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GENERAL ELECTION LAW

STATE OF LOUISIANA

ACT NO. 130 OF 1916

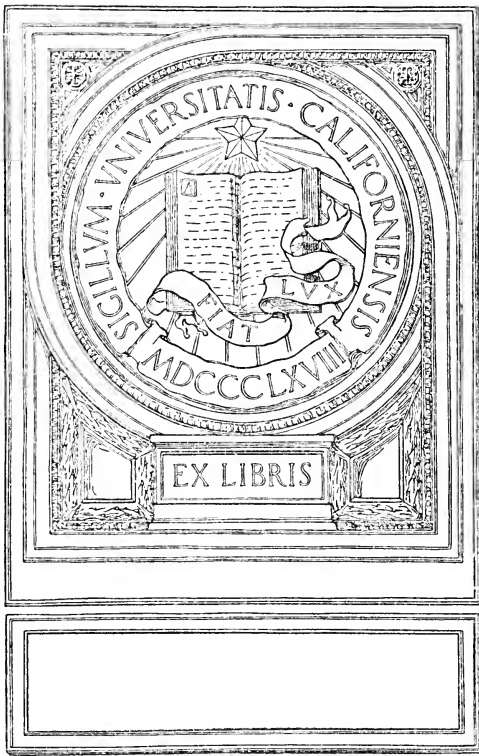
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Division
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Legislation

GENERAL ELECTION LAW

STATE OF LOUISIANA

ACT NO. 130 OF 1916.

Senate Bill No. 233.

By Mr. Dousson.

AN ACT

To preserve the purity of the ballot, regulating the manner of holding and conducting elections, by providing an official form of ballot, by prescribing the time and method in which nominations shall be made and certified, by providing for the division of parishes, cities and towns into convenient election precincts; by providing for the appointment of officers to conduct such elections, and defining their duties; by prescribing the manner in which the votes of electors shall be taken, and the count and returns thereof made; by providing for the punishment of violations of this law, and repealing all laws in conflict with the same.

Section 1. Be it enacted by the General Assembly of the State of Louisiana, That all ballots cast in all elections except as hereinafter provided, and for delegates to any Constitutional convention, or upon amendments proposed to the Constitution, shall be printed and distributed at public expense, as hereinafter provided; the printing of the ballots, tally sheets and cards of instruction to voters and their distribution shall be paid for by the State.

Ballots to be furnished at expense of State.

Provided, That the provisions of this act shall not apply to municipal elections in towns having a population of less than 2,500 inhabitants or to any election for purposes other than the election of public officers, except elections upon propositions to amend the Constitution.

Act not to apply to elections in towns of less than 2,500 inhabitants.

Provided further, That in elections not hereinabove provided for, the ballots and other election supplies, etc., shall be furnished by the Board of Supervisors of Election, at the expense of the parish within which the election is to be held.

In elections not provided for, ballots and supplies to be furnished by supervisors.

Section 2. Be it further enacted, etc., That the general election for State and parish officers shall be held once every four years, on the first Tuesday next following the third Monday of April.

General elections.

Section 3. Be it further enacted, etc., That all officers, the time and place of whose election is not otherwise provided for by law, shall be elected at the time and places provided by law for the election of Senators and Representatives.

Elections; manner, time and place of holding.

TO THE ARTICLE

Notice of elec-
tions.

That it shall be the duty of the Governor, at least thirty days before every general election, to issue his proclamation giving notice thereof, which shall be published in the official journal.

Notice by Board
of Supervisors.

The Board of Supervisors of Election of each parish shall give fifteen days' notice of every general election by advertisement in the official journal of their parish, if there be one, and by posting at four public places in the parish if there be no official journal in said parish. But no default by the Governor or Parish Board of Supervisors of Election to issue said proclamation shall deprive the people of their right to hold an election as fixed by law or vitiate said election when held.

Vacancies in Gen-
eral Assembly; how
filled.

Section 4. Be it further enacted, etc., That when the seat of any Senator or Representative becomes vacant, and there shall be a session of the General Assembly before the next general election, it shall be the duty of the Governor, within a reasonable delay, to issue his writ of election, directed to the proper supervisors of election, whose duty it shall be, within three days after receipt thereof, to give public notice that an election will be held to fill such vacancy on a date to be named by them, which shall not be less than forty-five days after the publication of such notice, such election shall be conducted and the returns thereof made in the manner required by law for general elections.

Elections for elec-
tors of President
and Vice-President;
date and manner
of holding.

Section 5. Be it further enacted, etc., That in every year in which elections are to be held for electors of President and Vice President, said elections shall be held on the first Tuesday next following the first Monday in November. The first election under this paragraph shall be held on the first Tuesday next following the first Monday in November, 1916, and all such elections shall be held every four years thereafter and shall be conducted and the returns made in the same manner as herein provided for general elections. The Secretary of State, or, in case of a vacancy in that office, the State Auditor, shall ascertain from the returns the persons who receive the greatest number of votes actually cast; and the Governor shall issue a certificate of election to said persons, and they shall be authorized to cast the vote of the State for President and Vice President.

Elections for Rep-
resentatives in Con-
gress.

All general elections for Representatives in Congress shall be held on the first Tuesday next following the first Monday in November. The first election under this paragraph shall be held on the first Tuesday next following the first Monday in November, 1916, and such elections shall be held every two years thereafter, and all such elections shall be conducted in the same manner as elections for Representatives in the General Assembly.

Manner of filling
vacancies in office
of Representative
in Congress.

Section 6. Be it further enacted, etc., In case of vacancy in said office of Representative in Congress, between the general

election, it shall be the duty of the Governor, by proclamation, to cause an election to be held according to law to fill such vacancy. Elections shall be held in the precincts and at the polling places hereinafter defined and herein below directed to be established.

Section 7. Be it further enacted, etc., That in all elections by the people the person or persons having the highest number of votes shall be deemed and declared to be elected; but no persons receiving the same number of votes shall be deemed to be elected if thereby a greater number would be elected than required by law. The election for such officers thus not elected shall be returned to the people, public notice of ten days to be first given in the same manner as for a general election.

Persons receiving largest number of votes to be declared elected.

Section 8. Be it further enacted, etc., That all elections shall be completed in one day, and the polls shall be kept open at each polling place from the hour of six o'clock in the forenoon until seven o'clock in the afternoon.

Elections to be completed in one day.

Section 9. Be it further enacted, etc., That the days upon which a general or local election shall hereafter be held under this act shall, for all purposes whatever, be legal holidays in the localities where the elections are held.

Election days to be legal holidays.

Section 10. Be it further enacted, etc., That it shall be the duty of the chief executive officers of the police force of each city or town to detail a sufficient number of police officers, who shall be stationed at each polling place on the day of the election, to preserve order and to protect each and all of said election officers from any interference with or obstructions in the performance of their respective duties, and to aid in enforcing the provisions of law relating to elections, and said police officers so detailed shall be subject to the orders of the Commissioners of Election.

Manner of preserving order at polling places.

Section 11. Be it further enacted, etc., That in each parish of the State there shall be a Board of Supervisors of Election, which shall have the powers and perform the duties imposed upon it by this act. In all of the parishes of the State, except the Parish of Orleans, the said Board of Supervisors of Election shall consist of three persons, viz., the Registrar of Voters of each parish and two other persons appointed by the Governor, one of whom the Governor shall designate as president of the board. In the event that the Registrar of Voters should be made appointive by the Governor, then the Governor shall appoint only one member, who shall be president of the board, and the remaining member shall be appointed by the Police Jury.

Board of Supervisors of Elections, country parishes; how constituted; its duties.

In the Parish of Orleans the Board of Supervisors of Election shall consist of three persons, as follows: One appointed by the Governor, who shall be president of the board, one of whom shall

Board of Supervisors of Elections, Parish of Orleans; how constituted; its duties.

be the Registrar of Voters, and one of whom shall be the Civil Sheriff. In the event that the Registrar of Voters for the Parish of Orleans should hereafter not be appointed by the Governor, then the Governor shall appoint the two remaining members of the board, one of whom he shall designate as president.

Duty of Board of Supervisors of Elections in electing commissioners and clerks of election.

Section 12. Be it further enacted, etc., That in every parish of the State it shall be the duty of the Board of Supervisors of Election, thirty days prior to any election, to appoint three commissioners and one clerk to preside over the election at each polling precinct, and said commissioners and clerk shall be qualified voters of the ward of which said polling precinct forms part and shall be appointed from lists to contain not less than six names furnished by each of the several political parties. These lists must be furnished to the Board of Supervisors of Election at least thirty-five days before the day of election. Any list offered after this date shall not be received, nor shall any such list be received or acted upon or recognized by the Board of Supervisors of Election which shall contain the name of any person not registered as affiliated with the party handing in the list. In so far as is practicable, the commissioners shall be so apportioned as to equally represent all the political parties authorized by law to make nominations.

Manner of appointing watchers at polling places; their duties.

Section 13. Be it further enacted, etc., That each of the several political parties or nominating bodies having candidates upon the official ballot shall be entitled to one watcher in each voting precinct, and said watchers shall be appointed for each election by the several political parties or nominating bodies and shall be commissioned by the Board of Supervisors. Said watchers shall be admitted within the barrier during the polling of the vote, but shall not be permitted to electioneer, engage in any political discussions or in any manner interfere with, detain or obstruct any voters. Said watchers shall be allowed to enter the polls only after the closing of the polls, and there remain thereafter during the canvass and count of the voters. Watchers shall take no part in such canvass and count, nor have any voice in the conduct thereof.

Pay of commissioners and clerks.

Section 14. Be it further enacted, etc., That the Commissioners of Election shall attend at the times and places designated in their respective precincts at all elections. The commissioners and clerks shall receive three dollars for each day's active service and the deputy sheriffs attending the election shall receive five dollars and no mileage for each day's actual service not exceeding three days, to be paid by the parish or municipality.

Power of commissioners to maintain order.

Section 15. Be it further enacted, etc., That commissioners shall possess full authority to maintain regularity and order and

to enforce obedience to their lawful commands during an election and during the canvass of the votes after the closing of the polls, and shall have full authority to preserve the peace and good order at and around the polling place, and keep access thereto open and unobstructed, and may require any police officers, constables or other persons present to communicate their orders and directions and to assist in the performance of the duties in this section enjoined.

Section 16. Be it further enacted, etc., That the Commissioners of Election shall preserve order and decorum at elections and shall have power to commit to prison any disorderly persons for a time not to extend beyond the hour of closing the polls; provided, that said person shall be permitted to vote before being committed to prison.

Power to commit to prison disorderly persons.

Section 17. Be it further enacted, etc., That the canvass and count of the ballots, as provided in this act, shall be begun immediately upon the closing of the polls and shall be proceeded with without interruption or delay until completed. During all the count, three tally sheets shall be kept thereof, the said tally sheets shall have the tallies marked in red lines from the beginning to the end of the page and the total number of tallies shall be written in figures immediately after the end of the tally, and in letters, so as to prevent any alteration thereof. Any commissioner or other person who shall interfere with, delay or attempt to delay the count of the ballots shall be guilty of a felony and punished as provided for in Section 44 of this act, and any person who shall steal or attempt to steal, or aid or abet in stealing, the ballot box, ballots, tally sheets, poll lists or apparatus or papers of the election, shall be deemed guilty of a felony and punished as provided in Section 44 of this act.

Canvass and count of ballots.

Section 18. Be it further enacted, etc., That prior to the public declaration of the vote at an election, which shall be made at each precinct as soon as the count has been completed, no statements shall be made by the commissioner of the number of ballots cast, the number of voters present, the number of votes given for any person or for any officer, the name of any person which has been voted on, or of any other fact tending to show the state of the polls. Any commissioner who violates the provisions of this act shall be punished as provided for in Section 44 of this act, but no such violation shall in any way invalidate any returns of the votes cast, duly made by the commissioners, or affect the title of any person who is duly declared to be elected to any office.

Commissioners not to make statement of number of ballots, votes, etc., before public declaration of results.

Any Election Commissioner who intentionally makes or attempts to make a false canvass of the ballots cast, or any false

Penalty for false canvass of vote.

return of the result of any election, or any person who induces or attempts to induce any such commissioner so to do, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished as provided in Section 44 of this Act, and shall be further disqualified from voting at any election or holding any office of honor, trust or profit in this State.

Penalty for destroying or mutilating any election documents.

Section 19. Be it further enacted, etc., That every Commissioner of Election, or other officer or person having the custody of any record or register of votes or copy thereof, oath, return of votes, certificates, poll list or any paper, document or evidence of any description in this Act directed to be made, filed or preserved, who is guilty of stealing, willfully destroying, mutilating, defacing, falsifying or fraudulently removing or secreting the whole or any part thereof, or who shall fraudulently make any extra entry, erasure or alteration therein, except as allowed and directed by the provisions of this act, or who permits any other person so to do, shall be guilty of a felony and, upon conviction thereof, be punished in accordance with Section 44 of this act. And every person, not an officer, who is guilty of any of the aforesaid acts, or who advises, procures or abets the commission of the same, or any of them, shall, upon conviction thereof, be punished in accordance with Section 44 of this Act.

Barrooms within one mile of polling booth to be closed.

Section 20. Be it further enacted, etc., That all bar rooms, cabarets and coffee houses and places where liquors are kept, within one mile of any ward or precinct where an election is being held, shall be and remain closed during the day of an election until twelve o'clock p. m., and no liquors shall be sold or given away on election day within the above specified limits. Commissioners of Election are hereby authorized to enforce this provision and to call upon and direct the police officers to discharge their full duties in every particular.

Penalty for having intoxicating liquor in polling place.

Whoever, in a polling place, has in his possession any intoxicating liquor shall be deemed guilty of disorderly conduct, and the commissioner shall order such person to remove such liquor, or to withdraw himself from such place, and on his refusing or neglecting to obey such order, shall direct any police officer or other person present to take him from the place and confine him in some convenient place until the election is completed. The person so refusing shall, for every such offense, be punished as provided in Section 44 of this act.

Duplicate lists of voters.

Section 21. Be it further enacted, etc., That it shall be the duty of the commissioners at each polling place to keep duplicate lists of the persons voting at such polling place, which lists shall be numbered from one to the end; and said lists so to be

kept and numbered as aforesaid shall be signed and sworn to as correct by them immediately upon closing the polls and before leaving the place or opening the ballot box. As soon as the votes have been counted and the envelopes sealed, as herein provided, the official tally sheet or sheets shall be signed and sworn to by the commissioners, and the said officers shall make triplicate compiled statements of the number of votes cast for each candidate for National, State, parochial or municipal offices, and the offices for which they were voted, the number of ballots contained in the box, the number of ballots rejected, and the reasons therefor. These compiled statements shall also be sworn to by the said commissioners, the oath to be administered by the deputy sheriff or one of the commissioners, or by any qualified voter. One of the aforesaid tally sheets, together with the poll books and one of the said compiled statements, shall be delivered to the Board of Supervisors of each parish.

Tally sheets and compiled statements of voters.

The Commissioners of Election shall forward to the Secretary of State one of the compiled statements of the vote at their respective boxes or polling places, with the name or names of the candidates voted for, one tally sheet and one of the duplicate poll lists, which returns of the commissioners shall be retained by the Secretary of State for at least six months.

Returns to be forwarded to Secretary of State.

The third tally sheet, together with ballots and a poll list of the persons voting, shall be returned to the ballot box, which shall thereupon be sealed by the said commissioners, and the said ballot box containing the ballots and tally sheets and poll lists, as aforesaid, shall be delivered to the Clerk of Court, to be by him safely preserved for a period of six months.

To the Clerk of Court.

The Board of Supervisors of each parish shall, within three days after the closing of the polls, repair to the Court house of the parish and there, in the presence of at least three voters and as many others as may desire to be present, make a true compiled statement as shown by the face of the sworn returns of the commissioners in triplicate, of the result of said election, and make public proclamation of such result, which compiled statement shall be sworn to before some other officer competent to administer an oath.

Compilation by Board of Supervisors.

One of the said triplicate compiled statements shall be forwarded to the Secretary of State, one to the Clerk of the District Court and the third shall be retained by said Board of Supervisors.

Their returns to Secretary of State.

The Board of Supervisors shall make out a separate compiled statement of the vote for Governor and Lieutenant Governor, which shall be sworn to before some officer competent to administer oaths, and this compiled statement, sealed in a separate

Separate returns for Governor and Lieutenant Governor.

envelope and properly marked and attested by the Board of Supervisors, shall be transmitted to the Secretary of State, and shall constitute the returns contemplated by Article 62 of the Constitution. Any Board of Supervisors, or any members thereof, who shall fraudulently and intentionally make a false or incorrect compiled statement, as above provided, of the said vote, shall be deemed guilty of a felony and, on conviction thereof, shall be punished by imprisonment at hard labor for not less than two nor more than five years.

Transmission of returns to Clerk of Court and Board of Supervisors.

Section 22. Be it further enacted, etc., That it shall be the duty of the commissioners themselves, or at least two of them, to carry returns and ballot boxes to the Board of Supervisors and clerk of court, as required by law; and it shall be the duty of the Sheriff to have at each polling place one deputy sheriff, whose duty it shall be to obey orders of the said officers of election and transmit the ballot boxes and returns to the Board of Supervisors and clerk of court.

Ballot boxes to be received and kept by Clerk of Court.

Section 23. Be it further enacted, etc., That the clerk of the court shall receive the boxes containing the ballots cast at any election, and the other papers herein provided for, sealed as herein above provided, and shall retain them in his care for six months, and as soon as may be thereafter said officer shall cause the ballots to be destroyed without examining them or permitting them to be examined by any person whatsoever, and shall make an entry in the records of his office that they have been so destroyed.

Compilation and promulgation of returns by Secretary of State.

Section 24. Be it further enacted, etc., That it shall be the duty of the Secretary of State, or in his default the Auditor, not less than ten nor more than twenty days after the day of holding an election, to compile the returns transmitted by the Board of Supervisors of each parish and publish in the official journal the names of all the candidates voted for, and the number of votes actually cast for each, as shown by the returns, and to declare the person receiving the greatest number of votes cast for the office for which such person was a candidate, to have been duly elected. If the Secretary of State or Auditor should willfully neglect or refuse to compile the returns of the election and publish the result, as above provided for, or if he should willfully neglect or refuse to count any votes, as shown by the returns, or should erase, alter in any manner or change any return, he shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by a fine not less than one thousand (\$1,000) dollars and by imprisonment at hard labor for not less than seven nor more than ten years.

Section 25. Be it further enacted, etc., That it shall be the duty of the Governor, not less than thirty days after each general election, to issue commissions to all officers shown by the compilation of the returns, as above provided for, to have been elected, except Governor, Lieutenant Governor or members of the General Assembly.

Commissions to be issued by Governor to officials elected 30 days after election.

Section 26. Be it further enacted, etc., That as soon as possible after the expiration of the time for making the returns of the election for Representative in Congress, the Governor, jointly with the Secretary of State and Attorney General, shall proceed to ascertain the number of votes cast for each candidate for Representative in Congress as shown by the returns received by the Secretary of State in the form properly attested compiled statements from the Board of Supervisors of each parish in the respective congressional districts. The Secretary of State shall enter on record a certificate showing the persons who received the greatest number of votes actually cast for representative in Congress in each congressional district. This certificate shall be signed by the Governor and one copy thereof, signed as aforesaid, shall be delivered to the person thus ascertained to have been elected and another copy transmitted to the House of Representatives of the Congress of the United States, directed to the clerk thereof.

Compilation of returns for Representatives in Congress.

Section 27. Be it further enacted, etc., That it shall be the duty of the Secretary of State to transmit to the Clerk of the House of Representatives and Secretary of the Senate, respectively, of the last General Assembly, the list of the names of such persons as, according to the returns, shall have been elected to either branch of the General Assembly, as shown by the returns.

Transmission of certificate of election to Clerk of the House of Representatives and Secretary of the Senate.

It shall be the duty of the Secretary of the Senate and Clerk of the House of Representatives to enter upon the rolls of the Senate and of the House, respectively, the names of persons duly elected to represent the respective parishes and senatorial districts. And those Representatives and Senators whose names are placed by the Clerk and Secretary, respectively, in accordance with the foregoing provisions, and no others shall be competent to organize the House of Representatives or Senate.

Duty of Secretary of Senate and Clerk of House of Representatives.

Section 28. Be it further enacted, etc., That the various Boards of Supervisors shall provide and send to the commissioners of each precinct, before the time fixed herein for the opening of the polls on the day of any election, the ballot boxes and tickets required by law to be used. At the opening of the polls in each precinct, and before any ballots are received, the ballot boxes shall be publicly opened and shown to be empty, and the commissioners shall, by personal examination, ascertain that

Ballot boxes and tickets to be sent to each voting precinct.

the same is empty, after which the box shall immediately be locked or fastened and the key delivered to the deputy sheriff attendant. The ballot box shall not be removed from public view after it is so shown to be empty until all ballots have been removed therefrom and the box has been relocked or sealed. No ballot shall be removed from the ballot box in any precinct while the polls are open.

Regulations relative to ballot boxes.

Section 29. Be it further enacted, etc., That every ballot box shall be provided with a sufficient lock and key, and with an opening in the lid large enough and not larger than may be necessary to allow a single folded ballot to be easily passed through such opening into the box. Each such box shall be large enough to receive and hold all ballots which may be lawfully deposited therein at any election.

Blanks, envelopes, etc., to be furnished by Secretary of State.

Section 30. Be it further enacted, etc., That the Secretary of State shall, at the expense of the State, provide envelopes, blank statements, blank affidavits and all necessary blank forms for use by the commissioners at each polling place, in the conduct of the election count and canvass and return of the vote cast at each election, and upon any proposed amendment of the Constitution or other question submitted to the voters. Said blank forms shall be sent to the Board of Supervisors and shall be used in ascertaining the result of such election, and such result shall be ascertained in the manner hereinafter provided.

Forms of tally sheets and compiled statements.

All tally sheets and forms for compiled statements herein provided for shall be ruled at the bottom by at least six lines, and partially blank, and partially printed in, as follows:

(Blank) (Printed in) (Blank) (Printed in)
John Doe, Commissioner for the Democratic party.
....., Commissioner for.....party
....., Commissioner for.....party
(Printed in) (Blank) (Printed in).

Sworn to and signed before me, John Doe,
Commissioners by.....majority.....of the
commissioners serving at this.....poll, and by me sworn
to and signed as true and correct this.....day of,
19.....

(Blank) (Printed in).
John Doe, Presiding Commissioner.

So as to require and provide for proper attestations to every such tally sheet or compiled statement.

Elections in parishes and towns of less than 50,000 inhabitants.

Section 31. Be it further enacted, etc., That in parishes and in towns of less than fifty thousand inhabitants, the officer whose duty it is to designate and appoint polling places shall erect, in front of each place barriers, enclosing a space at least thirty,

feet square. Each such enclosed place shall contain a table or shelf of convenient height for writing, and shall be furnished with such supplies and conveniences, including black ink, blotting paper and pencils having black lead only, as will enable the voters to conveniently prepare their ballots for voting.

Section 32. Be it further enacted, etc., That if for any cause it shall become impossible at any such election, or in taking any such vote, to make use of the State blanks, the canvass of the votes shall be made as the commissioner shall direct. They shall make a record of the facts pertaining thereto and return an attested copy thereof to the Board of Supervisors.

Provisions in case of inability to use State blanks.

Section 33. Be it further enacted, etc., That the Boards of Supervisors shall send the State blanks to the commissioners of each precinct before the time fixed for the opening of the polls on the day of election.

Delivery of blanks to commissioners.

Section 34. Be it further enacted, etc., That when in any election the right of any person offering to vote is challenged for any cause recognized by law, the commissioners shall require the name, occupation, age and residence of the person offering to vote. The commissioners shall examine such person offering to vote upon his oath, and if a majority of the commissioners then present are satisfied that such applicant is a legal voter of said ward and precinct, they shall permit him to vote, but in all cases such persons so offering to vote must establish his identity and right to vote by the written affidavits of two bona fide residents of the said ward and precinct, such affidavit to be taken before one of the commissioners in the same; provided, that nothing contained in this section shall be so construed as to permit, commissioners to receive any vote which by law they are required to refuse. Said affidavits shall be placed in the ballot box.

Challenging right of voter.

Challengers to the number of not more than one for each political party or nominating body shall be permitted to remain just outside of the barrier of each polling place and where they can plainly see what is done within such barrier outside the voting booths from the opening to the close of the polls.

Challengers to remain outside of barrier.

Section 35. Be it further enacted, etc., That it shall be the duty of the Registrar of Voters or other registering officers of each parish to deliver to the Board of Supervisors of each parish, at least twenty-four hours before the day and time fixed for the opening of the polls therein, the list of the voters registered for each precinct and polling place, securely wrapped, sealed and marked; the list shall contain the number of the registration, place of residence, age, race and occupation of each voter in the election precinct where the polling place is situated, and shall

List of registered voters to be furnished for polling places.

be certified by the Registrar of Voters to be correct, and it shall be the duty of the commissioners to check the name of each voter who is about to vote upon said list; any Registrar of Voters or other registering officer who shall neglect, fail or refuse to perform the duty above imposed of furnishing the list as aforesaid for any precinct, shall be punished by a fine of not less than \$500 nor more than \$1,000, and imprisonment not less than three nor more than twelve months. And no person shall vote at any election whose name has not been previously placed on said list, nor until the commissioners find and check his name thereon; provided, that no legal voter shall be denied the right because his name has been accidentally omitted from said list or in correctly written or printed thereon; provided further, that any voter whose name has been so accidentally omitted therefrom shall make affidavit in writing to that effect, before said commissioners, and said affidavit shall be preserved as part of the election returns and be enclosed in the box provided for the return of the ballots. It shall be the duty of the Board of Supervisors to transmit to the Commissioners of Election at each precinct, and before the time fixed for the opening of the polls, the poll book provided for such precinct.

Affidavit to be made in case name is omitted from list.

Information to be given by person offering to vote.

Section 36. Be it further enacted, etc., That whenever any person offers to vote he shall give his name, residence, occupation and registration paper, if such be required by law, to the commissioners, one of whom shall thereupon announce the same in a loud and distinct tone of voice, clear and audible, and if the same are found upon the poll book by the commissioner having charge thereof, he shall, in a loud and distinct tone of voice, clear and audible, repeat the same, and the same being checked, the voter shall be allowed, his name being entered upon the poll list, to cast his vote.

Affidavit of voter in Parish of Orleans, who has lost or mislaid registration papers.

In the Parish of Orleans, if a voter who has lost or mislaid his registration certificate shall present himself and offer to vote, this right shall not be denied him; provided, his name appears on said list and five qualified electors of the precinct shall join in an affidavit, sworn to before one of the commissioners, that the person so offering to vote is the identical person whose name appears on said list. The affidavit shall be deposited in the ballot box and shall be preserved for six months by the clerk of court, so as to form the basis of a prosecution of perjury in case the affidavit shall be false.

Commissioners in charge of poll lists and books to be of different parties.

The commissioners in charge of the poll list, the box and the poll books, respectively, shall be of different political parties or factions, so far as practicable.

Section 37. Be it further enacted, etc., Elections shall be held in the precincts and the polling places as hereinafter defined and hereinbelow directed to be established.

Election precincts and polling places.

Section 38. Be it further enacted, etc., That each police jury ward in every parish of the State, except the Parish of Orleans, and except in the case of the division thereof as hereinafter provided, is fixed as an election precinct, and they shall be numbered as such. The police juries of the several parishes shall direct what number of polls shall be established in each ward above constituted as an election precinct; provided, if more than one polling place be established in any one police jury ward, then the police jury shall divide the ward geographically as nearly equal as possible according to the number of polls established, and so arranged as to contain not more than four hundred voters as nearly as practicable as shown in the preceding registration, and shall define the limit within the ward for which each poll is established, and said subdivision of the ward in such case shall be each an election precinct. In the Parish of Orleans each subdivision of each ward thereof to be made as herein provided, shall constitute an election precinct, and they shall be numbered consecutively in each ward, commencing at the river and running back to the rear boundary of the ward in so far as practicable.

Duties of Police Juries in establishing election precincts, country parishes.

In the Parish of Orleans.

Section 39. Be it further enacted, etc., The police juries, as above provided, shall establish as many precincts and polling places in their respective parishes as may be deemed necessary in order to carry out the provisions of the preceding section; provided, that there shall never be less than one precinct and polling place in each police jury ward; and provided, that when more than one polling place is established in any one police jury ward the ward shall be divided as above stated, and such subdivision of said police jury ward shall be an election precinct, and the precinct shall be numbered consecutively from one to the end of each ward. That when said polling places and precincts are established they shall be published in the official proceedings of the police jury. The precincts and polling places, or any one of them, once established under this act, shall not be changed except by a vote of the police jury given in favor of said change, and then not within three months prior to a general election.

Same.

Section 40. Be it further enacted, etc., That in the City of New Orleans the various voting precincts as now established by ordinance shall remain as the various voting precincts until same are changed by ordinance of the city government of New Orleans. That the city government of New Orleans shall by

City government of New Orleans to divide city into election precincts.

ordinance, from time to time, divide the city into election precincts within the different wards. Each of said precincts shall be composed of contiguous squares and each precinct to be so arranged as to contain not more than 400 voters, as nearly as practicable, as shown in the next preceding registration; they shall establish one polling place for each precinct and shall establish precincts for each ward, and shall cause to be published an accurate description of the ward boundaries and election precincts above referred to within ten days from any election; they shall, by publication in two daily newspapers, give notice of the location of the polling places of each precinct, which polling places shall be as nearly as possible in the center of the precinct, the boundaries and precincts to be fixed as above, not to be changed within three months prior to any general election.

Penalty for obstructing, hindering, or delaying voter.

Section 41. Be it further enacted, etc., That if any person shall willfully disobey any lawful command of the commissioners and shall willfully and without lawful authority obstruct, hinder and delay any voter on his way to any polling place where an election is to be held, or while he is exercising or attempting to exercise the right of voting, or shall aid or assist in any obstruction or delay, he shall be punished in accordance with Section 44 of this act.

Penalty for casting illegal votes: etc.

Section 42. Be it further enacted, etc., That whoever, knowing that he is not qualified at an election, wilfully votes or attempts to vote, or whoever so votes or attempts to vote more than once, either in his own name or in that of any other person, or in an assumed name, or whoever so votes or attempts to vote in more than one voting precinct, or whoever wilfully aids or abets anyone not legally qualified in voting or attempting to vote at an election, or whoever shall have in his possession the registration of another or whoever, with intent to cheat or defraud, alters any ballot at any election, and whoever with such intent removes any ballot from such ballot box or whoever shall forge, imitate or counterfeit or falsely make or alter, or shall procure to be falsely made, imitated, altered, forged or counterfeited, or shall aid or assist in falsely making, imitating, altering, forging or counterfeiting any ballot or part thereof herein provided for, or shall utter or publish as true any such false altered, forged, imitated or counterfeited ballot, or shall procure the same to be altered or published as true, knowing same to be false, altered, forged, imitated or counterfeited, with intent to use same, or to procure same to be used at any election, or whoever being charged with the duty of compiling or making up or of printing the official ballot herein provided for, shall permit any person not so engaged to have access to or to give

any information with regard to the said official ballot, or the form thereof, except as herein provided, or whoever in an assembly of people met for the purpose of making nominations under this law, votes or attempts to vote under any name other than his own, or whoever aids and abets any person in the commission of the offenses described in this section, or whoever knowingly and willfully gives a false answer to any election officer, shall be punished for each offense as provided in Section 44 of this act.

Section 43. Be it further enacted, etc., Any person who shall be convicted of willful and corrupt false swearing after taking any oath or affirmation prescribed by this act shall be adjudged guilty of willful and corrupt perjury, and any person who shall willfully and corruptly instigate, advise, induce or procure any person to swear or affirm falsely as aforesaid, shall be adjudged guilty of subornation of perjury and, shall upon conviction thereof suffer the punishment directed by law in the case of willful and corrupt perjury.

Penalty for false swearing under the provisions of this act.

Section 44. Be it further enacted, etc., Any election officer or other person who violates any of the provisions of this act shall be punished by a fine of not more than one thousand (\$1,000.00) dollars or imprisonment for not more than one year; provided, that where the offense is declared in this act to be a felony then the punishment shall be imprisonment in the State penitentiary for not less than two nor more than five (5) years.

Penalty for violations of this act.

Section 45. Be it further enacted, etc., That the commissioners and clerks, and all other officers charged with the conduct of an election under this Act shall, before entering upon the discharge of their duties, take the oath prescribed by Article 161 of the Constitution, the oath to be administered by any officer qualified by law to administer oaths, and if no such officer be present the Commissioners shall administer the oath to each other.

Oath to be taken by commissioners and clerks.

Section 46. Be it further enacted, etc., That in case no commissioner shall have been appointed or if none of those who have been appointed be present within one hour after the time fixed for the opening of the poll, the persons present shall hold a meeting and elect the commissioners to preside at the election, who shall perform all the duties of the regularly appointed commissioners; should any one of the commissioners appointed be present he shall appoint another, and both together shall appoint a third, and the commissioners so appointed shall take the oath and perform all duties of commissioners of election in the same manner as if they had been appointed as above provided by the Board of Supervisors. No election shall be vitiated by a

Manner of electing commissioners in certain cases.

failure to open the polls by the time prescribed by law, unless it be proven before a court of competent jurisdiction, on a contest, that a sufficient number of electors were thereby deprived of their votes to have changed the result of the election.

Ballots, tally sheets, etc., to be furnished by State.

Section 47. Be it further enacted, etc., That all ballots cast in all elections for national, State, district and parish and municipal officers, or for delegates to any constitutional convention, shall be printed and distributed at public expense as hereinafter provided. The printing of the ballots, tally sheets, and cards of instruction to voters and their distribution shall be paid for by the State. The term "State Election," as used in this act, shall apply to any election held for the choice of a national, State, district or parish officer, whether for a full term or for the filling of a vacancy; and the term "State Officers" shall apply to any person to be chosen by the qualified electors at such election. The term "City Election" shall apply to any election held in the city to fill a municipal office, whether for a full term or a vacancy; and term "City Officer" shall apply to any person to be chosen by the qualified electors at such election.

Terms relative to elections and officers used in this act defined.

NOMINATION OF CANDIDATES

Manner of nominating candidates.

Section 48. Be it further enacted, etc., That all nominations by political parties recognized by law shall be as provided in the primary election laws as now existing, or as may hereafter be passed excepting only presidential electors, who shall be chosen and nominated in any manner determined by a resolution of the State Central Committee of the respective political parties.

Manner of nominating presidential electors.

Section 49. Be it further enacted, etc., That whenever the State Central Committee of any political party, recognized by law, shall order Presidential electors to be nominated by a convention, it shall be the duty of the chairman and secretary of such convention to draft a certificate which shall recite the resolution of the State Central Committee, which authorized the convention, the time and place that the convention was held, the election of the chairman and secretary and the names of the persons nominated by the convention as party candidates for the office of Presidential Electors. This certificate shall be sworn to by the chairman and secretary, before some officer authorized by law to administer oaths, and deposited with the Secretary of State, and said certificate shall constitute full proof of the nomination it recites and shall entitle the candidates to have their names printed on the official ballot, under the party name and emblem, as the party candidate for the offices of Presidential Electors.

Section 50. Be it further enacted, etc., That nomination of candidates for electoral districts of State or for municipal or for parish or for ward officers may be made by nomination papers, signed for each candidate by qualified voters of such district or division, to the number of at least one thousand for any officers to be voted for by the electors of the State at large; one hundred for parish or municipal officers, members of the Legislature or Congress, and twenty-five for ward officers.

Nomination papers.

Section 51. Be it further enacted, etc., That each voter signing a nomination paper shall add to his signature his place of residence, with the street and number thereof, if any; and each voter may subscribe to one nomination for each office to be filled and no more, and all signatures and addresses shall be made in person. The nomination papers shall, before being filed, be respectively submitted to the Registrar of Voters of the parish in which the signers purport to be qualified voters, and each Registrar to whom the same is submitted shall forthwith certify thereon what number of signatures are those of qualified voters, in the parish for which he is a Registrar and in the division for which the nomination is made; and it shall be the duty of the Registrar of Voters to certify to at least fifty per cent more names of registered voters on applications for nomination papers than are required by law to make a nomination under the provisions of this act; one of the signers to each separate paper shall attach thereto his affidavit that the statements therein are true to the best of his knowledge and belief, and he shall also add his post office address. A signature once affixed to a nomination paper can not be withdrawn after certification by the Registrar. The Registrar of Voters for each and every parish in this State is hereby prohibited from certifying to the signature on any nomination paper, as is provided for herein, of any voter who has registered as affiliating with any political party recognized under the laws of this State. The signature of any voter who is registered as affiliated with any political party shall not be computed or counted as making up the number of signatures requisite under this Act for a candidate to be placed on the official ballot by nominating papers. All nominating papers, as provided for in this Act, shall be filed with the Secretary of State on or before the date on which the primary election is held to nominate candidates by political parties. Any nominating papers filed with the Secretary of State after any primary is held shall be null and void and be disqualified by the Secretary of State.

Manner of signing nomination papers.

Date to be filed with the Secretary of State.

Section 52. Be it further enacted, etc., That all certificates of nomination and nomination papers shall, besides containing

Form of nomination certificate.

the names of candidates, specify as to each (1) the office for which the candidate is nominated, (2) the party or political principle which he represents expressed in not more than three words, (3) his place of residence and his place of business, if any; and in case of nomination for a city office, which street and number thereof, if any. In the case of electors of President and Vice President of the United States the names of the candidates for President may be added to the party or political appellation. Whenever electors, more than one thousand in number, shall desire to organize a new political party to be recognized as such by law, and shall have nominated a candidate or candidates to be voted on throughout the whole State, or in any congressional district in the State, they shall recite in their certificate or certificates of nomination that they are candidates for party recognition under a name selected by them. This party name shall be printed on the official ballot above the name of their candidate or candidates, and, if at the election following, their candidates or any one of them, shall receive ten per centum of all the votes cast in the entire State, the said persons, signing said nomination papers, shall be recognized as a lawful political party.

New party; how organized.

Political party defined.

Candidates other than those nominated by political parties.

Section 53. Be it further enacted, etc., That candidates nominated otherwise than by political parties, which at the preceding State election, or at the preceding congressional election, polled at least ten per centum of the entire vote cast in the State, shall not use the name of any such political party in the political or party designation of their candidates so otherwise nominated; and in case a nomination is made by nomination paper, only the words, "Nomination Paper," or abbreviated as "Nom. Paper," shall be added after such designation, which in such cases shall not consist of more than two words, except as provided in Section 52 of this Act.

Certificates of nomination to be filed with Secretary of State.

Section 54. Be it further enacted, etc., That certificates of nomination of Presidential Electors as provided for in this Act shall be filed with the Secretary of State prior to the fifth Tuesday before the day of election; and all nomination papers shall be filed with the Secretary of State on or before the date of the holding of the primary election by recognized political parties; provided, that in case of vacancies where, under the law, it becomes necessary to hold an election to fill a vacancy, nomination papers shall be filed on or before the date of the first primary election held to nominate candidates by any political parties recognized by law.

Objections to regularity.

Section 55. Be it further enacted, etc., That the certificates of nomination for Presidential Electors and nominating papers

being so filed and being in apparent conformity with the provisions of this act, shall be deemed to be regular, unless objections to their regularity is made in writing within the seventy-two hours after the last day allowed by law for filing such papers. Such objections arising in relation thereto shall be considered by a Contest Board composed of the Secretary of State, the Auditor and the Treasurer and two electors to be appointed by the Governor, within twenty-four hours after the last day and hour for the filing of the objections and the decision of the majority of these officers shall be final. In case such objection is made, the objector shall at the same time notify the party or parties affected thereby, and shall certify under oath to the Secretary of State in what manner he has notified such party. If for any reason no decision shall be arrived at within said time, the certificate shall be considered regular.

Nominations to be passed upon by Secretary of State, Auditor and Treasurer.

Section 56. Be it further enacted, etc., That no greater number of candidates for any office shall appear on the official ballot bearing any one party designation than there are persons to be elected to such office, and the name of no candidate shall appear on the official ballot in more than one place.

Only one candidate to be nominated by each party.

Section 57. Be it further enacted, etc., That any person who has been nominated as a candidate may cause his name to be withdrawn from nomination by request in writing, signed by him and acknowledged before any officer qualified to administer oaths, and same shall be filed with the Secretary of State twenty days prior to the election, and no name so withdrawn shall be printed on the ballot.

Withdrawal of candidates.

Section 58. Be it further enacted, etc., That in case of a vacancy occurring in the nomination made by any political party under the laws of this State, caused either by death, resignation or otherwise, the same shall be filled as provided for by the primary election laws of this State, then in existence. In case of a vacancy occasioned by death, resignation or otherwise among the list of candidates for the office of Presidential Elector nominated by a convention, same shall be filled in the manner provided for by the convention or by the State Central Committee.

Manner of filling vacancies caused by death, resignation, etc.

Section 59. Be it further enacted, etc., That the Secretary of State shall furnish, upon application, blank forms for the nomination of candidates.

Blank forms for nomination furnished by Secretary of State.

Section 60. Be it further enacted, etc., That all certificates of nomination and nomination papers when filed shall be open under proper regulations to public inspection, and the Secretary of State shall preserve the same in his office not less than one year

All nomination papers open for public inspection.

Manner of reckoning days for filing nominations.

Section 61. Be it further enacted, etc., That in reckoning the number of days mentioned in this Act Sundays and holidays shall be included; provided, however, that if the final day mentioned shall fall on Sunday or a holiday, the first day previous to such day or days shall be considered the final day if the period of time precedes a certain day, act or event, and the first day following such day or days shall be considered the final day if the period of time follows a certain day or event.

Penalty for willfully defacing certificates of nominations.

Section 62. Be it further enacted, etc., That any person who shall falsely make or willfully deface, or destroy, add to, or otherwise alter, or tamper with any certificate of nomination or nomination paper, or any part thereof, or any letter of withdrawal, or sign any such certificate of paper contrary to the provisions of this Act, or file any certificate of nomination or nomination paper or letter of withdrawal, knowing the same or any part thereof to be falsely made, or suppress any certificate or nomination paper, or any part thereof which has been duly filed, shall be punished in accordance with Section 44 of this Act.

FORM OF BALLOT.

Ballots to be furnished by Secretary of State.

Section 63. Be it further enacted, etc., That all elections by the people, except as otherwise provided by the primary election laws of this State, and municipal elections in town having a population of less than twenty-five hundred, when such elections are not held at the same time as general elections, shall be by official ballot, printed and distributed at the expense of the State; and such ballots shall have printed thereon, and at the head and immediately preceding the list of names of the candidates of each political party or nominating paper, a specific and separate device by which the political party and candidates of such political party or nominating paper may be indicated. By stamping such device at the head of the list of the candidates of each political party, or nominating paper, the voter may indicate that his vote is for the entire straight ticket of the particular party or nominating paper employing the particular device allotted to such political party or nominating paper. When the voter does not desire to vote an entire straight party ticket he may vote for candidates of any political party or nominating paper by stamping a blank space to be left opposite the name of each candidate on said official ballot.

Party device for voting straight ticket.

State Central Committees to select party device.

The State Central Committee of each of the political parties in this State shall select a party device and certify the same to the Secretary of State, provided that, if any two of the State Central Committees representing different parties should select

the same device, the one first selecting and certifying the same to the Secretary of State shall be entitled to the said device, which fact the Secretary of State shall make known to the party last selecting the device in order that such party may have an opportunity of making another selection. The said device so selected shall be certified to by the Secretary of State prior to and not later than the last day for filing nominations by political parties or nominating bodies.

Whenever the approval of a constitutional amendment or other question be submitted to the vote of the people, such question shall be printed upon the ballot after the list of candidates under each party device. The ballots shall be so printed as to give to each voter a clear opportunity to designate by mark in a sufficient margin at the right of the name of each candidate his choice of candidates and his answer to questions submitted.

Constitutional amendments; how voted.

Provided, that should any clerical or typographical errors occur in the printing of the official ballot or tally sheets, no candidate or measure shall be prejudiced thereby, but it shall be the duty of the Returning Officers upon such error being called to their attention to obtain from the Secretary of State a certified copy of the certificate of nomination or nomination paper, if such error should occur in the name of the candidate being voted for, or certified copy of the measure voted for, and shall thereupon cause such error to be corrected and the returns to be promulgated as if no such error had occurred.

Provision relative to clerical errors.

Provided, that any device or emblem which has been selected by any political party at the time of the passage of this Act shall remain the device or emblem of said political party, without the necessity of said political party complying with any of the provisions of this Act; and, provided further, that said political party has not lost its identity as a political party by either failing to cast the necessary vote.

Party devices or emblems not effected by this act.

Section 64. Be it further enacted, etc., That the ballots furnished by the Secretary of State shall be of plain white paper, in weight not less than the best quality No. 2 book paper, and of such length and width as may be necessary, provided that all ballots furnished for use in any one precinct shall be of the same length. Before distribution the ballots shall be so folded in marked creases that their width and length will be of convenient size for insertion into the ballot box. On the back and outside, when folded, shall be printed in great primer Roman condensed capitals "Official Ballots" followed by the designation of the polling places and election for which the ballot is prepared, the date of election and a fac simile of the Signature of the Secretary of State.

Size of ballot; color of ink, etc.; to be uniform.

Directors to vote
for straight party.

The following directions shall be conspicuously printed on the face of the ballot and around the device: "To vote for a straight party ticket stamp here."

Voting spaces.

To the right of the name of each candidate and on the same horizontal line as the name of the candidate, shall be a square hereinafter calling a voting space. Voting spaces on any ballot provided for any one polling place shall be of uniform size and shall be arranged in a vertical column. Voting spaces opposite the names of all candidates for the same office shall be printed as a continuous column. Voting spaces shall be printed solidly in white, one-quarter of an inch square, enclosed in black lines. If in case of any office, no nominations of candidates to fill the same have been made, the title of such office shall be printed upon the ballot, and as many blank spaces shall be left below such title as there are persons to be elected to the office, and at the right of each such space shall be a voting space.

Ballots to be uni-
form.

Section 65. Be it further enacted, etc., That all of the official ballots prepared for the same polling place shall be of precisely the same size, arrangement, quality and tint of paper and kind of type, and shall be printed with black ink of the same tint, so that it shall be impossible to distinguish any one ballot from the other. If at a general election in any Congressional district one representative in Congress is to be elected for a full term and another to fill a vacancy, the ballots containing the names of the candidates shall be a part of the title of the office designate the term or vacancy for, or to fill which the candidates are severally nominated.

Ballots shall be
folded when printed.

Section 66. Be it further enacted, etc., That all ballots when printed shall be folded as hereinbefore provided, and fastened together with convenient numbers in packages, books and blocks in such manner that each ballot may be detached and removed separately.

Instructions for
the guidance of
voters.

Section 67. Be it further enacted, etc., That the Secretary of State shall prepare full instruction for the guidance of voters, as to obtaining ballots, manner of marking them, the method of obtaining assistance, and obtaining new ballots in place of those accidentally spoiled, and shall cause the same, together with copies of Sections 34, 35, 36 and 44 of this Act, to be printed in large clear type, on separate cards, to be called "Cards of Instruction," together with at least three sample ballots, to be nailed up in a prominent place outside of each polling booth in the same manner as hereinafter provided for in Section 70 of this Act, and he shall furnish the same for use at each election.

DELIVERY OF BALLOTS.

Section 68. Be it further enacted, etc., That the Secretary of State shall send a sufficient number of ballots, together with a sufficient number of tally sheets and ten of the cards of instructions, to the Boards of Supervisors of the several parishes so as to be received by them twenty-four hours, at least, previous to the day of election. The same shall be sent in sealed packages, with marks on the outside clearly designating the polling place for which they are intended and the number of ballots enclosed, and the respective Boards of Supervisors shall, on delivery to them of such packages, return receipts therefor to the Secretary of State. The Secretary of State shall keep a record of the time when and the manner in which the several packages are sent and of the number of ballots in each package, and shall preserve the same for the period of one year, together with the receipts of the Boards of Supervisors.

Ballots to be sent to Boards of Supervisors.

Penalty for delivery by Secretary of State.

Section 69. Be it further enacted, etc., That the several Boards of Supervisors shall send to the commissioners of each voting place, before the opening of the polls on the day of election, cards of instructions, tally sheet blanks, forms and one set of ballots as sealed and marked by the Secretary of State for such voting place; and a receipt of such delivery shall be returned to them from the commissioners present, which receipt shall be kept for the period of one year. At the opening of the polls in each polling place the seal of the package shall publicly opened and the package shall be opened by the commissioners, and the book or blocks of ballots shall be delivered to the commissioners of election hereinafter provided for. The cards of instructions and sample ballots shall be immediately posted at or in each voting shelf or compartment provided in accordance with this Act and not less than three such cards shall be posted in or about the polling room, outside of the barrier.

Cards of instruction, tally sheets, etc., sent out by Boards of Supervisors.

Section 70. Be it further enacted, etc., That in case the ballots to be furnished to any voting place, in accordance with the provisions of this Act, shall fail for any reason to be delivered, or in case after delivery they shall be destroyed or stolen, it shall be the duty of the Board of Supervisors to cause other ballots and cards of instruction to be prepared substantially in the form and to the number of the ballots wanting and to be furnished; and, upon receipt of such other ballots from them, accompanied by a statement under oath that the same have been so prepared and furnished by them and that the original ballots have failed to be received or have been destroyed or stolen, the Commissioners shall cause the ballots so substituted to be used in lieu of the

Manner of substituting ballots for those lost or stolen.

Written statement to be furnished Secretary of State.

ballots wanting, as above. The written statement under oath of the Board of Supervisors shall be made part of the returns, and shall be enclosed in the envelope containing the compiled statement of the national, State and parochial offices to the Secretary of State.

Voting booth and shelves for cities of more than 50,000 inhabitants.

Section 71. Be it further enacted, etc., That the officers whose duty it is to designate and appoint polling places in cities of more than fifty thousand inhabitants shall cause the same to be provided with voting shelves and compartments, known as polling booths, in which voters may conveniently mark their ballots. There shall be in each polling place, during each election, a sufficient number of voting booths, and not less than one for every one hundred voters in the precinct. Each such booth shall be at least six feet square, shall have four sides enclosed, each at least six feet high, and the one in front shall open and shut as a door swinging outwards and shall extend within two feet of the floor. Each such booth shall contain a shelf which shall be one foot wide, extending across one side of the booth at a convenient height for writing, and shall be furnished with such supplies and conveniences, including black ink, pads, blotting paper and pencils having black lead only as will enable the voters to conveniently prepare their ballots for voting. Each polling booth shall be furnished with stamps or dies for making the voting marks upon the ballots, and shall have inking pads with ink of uniform color and quality. Each booth shall be kept clearly lighted, while the polls are open, by artificial lights if necessary. A barrier shall be placed at each polling place at least six feet from the ballot boxes and the booths, and no ballot box or booth shall be placed within six feet of such barrier, and each barrier shall be provided with a separate entrance and separate exit. The arrangements of the polling place shall be such that the booths can only be reached by passing within the barrier, and that the booths, ballot boxes, commissioners and every part of the polling places, except the inside of the booth, shall be in plain view of the commissioners and of persons just outside of the barrier. Such booths shall be so arranged that there shall be no access to intending voters or to the booths through any door, window or opening, except by the door in front of said booth.

PREPARATION OF BALLOT AND VOTING.

Delivery of ballot to voter by commissioner.

Section 72. Be it further enacted, etc., That any person desiring to vote shall give his name, occupation and registration paper, if such be provided for, to the presiding commissioner, who shall thereupon announce the same in a loud and distinct

tone of voice, clear and audible, and if such name is found upon the registration list by the commissioner having charge thereof, he shall likewise repeat the same. The commissioner shall give him one, and only one ballot, and his name shall be immediately checked on said list, and shall also be entered upon a poll list, which shall be numbered from one to the end, before he deposits his ballot in the box.

The commissioner in charge of the poll list immediately after entering the voter's name thereon, and on the same line with the voter's name shall, by making a cross, indicating that this voter has received one ballot; and should the voter return the first ballot and receive a second ballot, the commissioner in charge of the poll list shall place opposite the voter's name and on the same line on the poll list and next to the first cross a second cross; these crosses shall be the record of the number of ballots obtained by any voter. After three crosses have been placed opposite the name of any voter on the poll list, said voter shall receive no more ballots.

List of voters to be kept.

Section 73. Be it further enacted, etc., That on receiving his ballot the voter shall forthwith, and without leaving the enclosed space, retire alone to one of the voting booths or to the table or shelf, and without undue delay unfold and mark his ballot therein as hereafter prescribed.

Manner of marking ballot.

When the voter has so marked the ballot received by him he shall, before leaving the booth or enclosed space, refold the ballot, immediately cast the same and leave the voting place.

Manner of placing ballot in box.

Every voter who does not vote a ballot delivered to him by the ballot commissioner shall, before passing outside the barrier or enclosed space return such ballot to such officer, who shall stamp the same "spoiled" and deposit in the box for spoiled ballots. And the voter shall not again return within the barrier.

Ballot to be returned to commissioner if not voted.

No ballot, either spoiled or otherwise, shall be carried away from the voting place or taken outside the barrier.

Provisions regulating order and manner of voting.

No more voters shall be permitted to pass the barrier than there are unoccupied booths provided for in this Act.

No voter shall be allowed to occupy a booth already occupied by another or to occupy a booth or enclosed space more than three minutes or to speak or converse with any one, except as in this Act provided, while within the barrier. It shall be unlawful for a voter to deface or tear any ballot or mark the same otherwise than as provided in this section.

Every ballot voted which is defaced or torn, or which is marked otherwise than as in this section provided, shall be treated as a ballot marked for identification.

Same.

If a voter tear, soil or deface a ballot so that it cannot be used, he may successively obtain others, one at a time, not exceeding in all three, upon returning each ballot so torn, soiled or defaced to the commissioner, which ballot so returned shall be immediately marked or stamped "spoiled" across the official endorsement and placed in the box for spoiled ballots and entry of such fact made on the poll list as required by this Act.

Same.

If he desires to vote for a person other than a nominee or political parties, he must write in his own handwriting the name of such person in the space provided for such purpose, with a pencil having a black lead, and stamp with the official stamp the white square in the voting space at the right of the name so written.

Assistance to voters by commissioners, entitled thereto.

Provided, that if the voter from being unable to write by reason of physical disability or illiteracy, he shall be entitled to assistance of a commissioner, who shall for him write the name or names he desires in the blank column and stamp the ballot in the presence of at least one other commissioner.

Manner of voting for Constitutional amendments.

In marking a ballot upon which is printed for submission to the voters any question of the adoption of a constitutional amendment, or any other proposition or question, he shall obliterate with the official stamp the white square in the voting space after the word "yes" printed at the right of the question, for an affirmative vote upon such question; or he shall obliterate with the official stamp the white square after the word "no" similarly printed for negative vote upon such question.

Penalty for fraudulent tabulation of votes on Constitutional amendments, etc.

Section 74. Be it further enacted, etc., That whenever there shall appear on the official ballot to be voted for at general elections held under this law, a proposition for an amendment to the State Constitution, or a proposition for a tax levy or any proposition appearing on the official ballot proposed by the General Assembly, or on a petition of citizens, it shall be the duty of commissioners and clerks of election to tabulate and correctly count and make returns of the votes cast thereon the same as in the case of candidate, and any violation of this section shall be deemed a misdemeanor and punishable by fine of not less than one hundred dollars and not more than five hundred dollars, and imprisonment in the parish prison or police jail for not less than six months nor more than one year.

All ballots to have official endorsement.

Section 75. Be it further enacted, etc., That no ballot without the official endorsement, shall except as herein otherwise be allowed to be deposited in the ballot box, and none but ballots provided in accordance with the provisions of this act shall be counted. Any voter who declares to the presiding commissioner that by blindness or other physical disability he is unable to mark

his ballot, shall, upon request, receive the assistance of two of the commissioners, who shall be of different political parties, or factions, represented among the commissioners, in the marking thereof, and neither the voter nor the said commissioners shall thereafter give any information regarding the same. The commissioner shall require such declaration of disability to be made by the voter under oath before him, and he is hereby qualified to administer the same.

Commissioners to mark ballots for voter entitled thereto.

Section 76. Be it further enacted, etc., That any voter or commissioner who shall except as hereinbefore provided, allow his ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, or place any distinguishing mark upon his ballot, or who shall make a false statement as to his inability to mark his ballot, or any person who shall interfere or attempt to interfere with any voter when inside said enclosed space or when marking his ballot, or who shall endeavor to induce any voter before voting to show how he is about to mark, or has marked his ballot, or otherwise violates any of the provisions of this Act, shall be punished in accordance with Section 44 of this Act.

Relative to secrecy of ballot.

Section 77. Be it further enacted, etc., That any person who shall, prior to or during an election, willfully deface or destroy any card of instruction or sample ballot printed or posted for the instruction of voters, willfully remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare his ballot, or shall willfully hinder the voting of others, shall be punished in accordance with Section 44 of this Act.

Penalty for destruction of cards of instructions, etc.

Every commissioner of election, or other officer or person having the custody of any record register of votes, or copy thereof, oath, return of votes, certificates, poll lists, or any paper, document or evidence of any description in this Act directed to be made, filed or preserved, who is guilty of stealing, willfully destroying, mutilating, defacing, falsifying, or fraudulently removing or secreting the whole or any part thereof, or who shall fraudulently make any entry, erasure or alteration therein, except as allowed and directed by the provisions of this Act or who permits any other person so to do, shall be guilty of a felony, and upon conviction thereof be punished in accordance with Section 44 of this Act.

Penalty for destruction of register of votes, etc., by commissioner or others.

Section 78. Be it further enacted, etc., That any person in the employment of any railway, express, or other transportation company or any other common carrier, or any person, who shall delay, steal, destroy or make way with while in transit from the office of the Secretary of State to the Board of Supervisors of Election of any parish in this State, any box or package con-

Penalty for any railway, express or other common carrier, who shall delay, steal or destroy election matters in transit.

taining ballots or other election supplies, shall be guilty of a felony, and upon conviction thereof be punished in accordance with Section 44 of this Act.

And every person not an officer who is guilty of the aforesaid acts or who advises, procures, or abets the commission of the same, or any of them shall, upon conviction thereof, be punished in accordance with Section 44 of this Act.

Manner of counting ballots.

Section 79. Be it further enacted, etc., That as soon as the polls are closed the Commissioners shall at once rule off and sign and swear to the poll list, writing out beneath the said ruling the number of votes contained thereon, and shall seal up and mark on the wrappers with the ward and precinct number all unused ballots, including all ballots that have been spoiled and defaced by voters in attempting to mark same, and shall endorse thereon the number of ballots therein contained. The officers in charge of the poll books shall in the presence of the other officers and the public, count in a distinct and audible voice the names checked on said list and announce the whole number thereof, and compare the same with the poll list, correcting any discrepancies between them and noting the same at the bottom of the poll list before proceeding with the count. The ballot box, without being removed from the public view, shall be opened by the presiding officer, and the Commissioners shall commence by counting the ballots found therein without unfolding them except so far as to ascertain that each ballot is single, and by comparing the ballots found in the box with the number shown by the poll lists to have been deposited therein. If the ballots found in any box shall be more than the number of ballots so shown to have been deposited therein, such ballots shall all be replaced without being unfolded in the box from which they were taken, and one of the Commissioners shall, without seeing the same and with his back to the box, thoroughly mingle the ballots together, and another commissioner shall, without seeing the same, and with his back turned to the box, publicly draw as many ballots as shall be equal to such excess, and without unfolding them, the commissioner shall forthwith mark the same "uncounted in excess of poll list," and attach a signed statement of the number of ballots so uncounted, which statement, and the uncounted ballots shall be made up into a separate package and deposited in the ballot box prior to its being sealed up in accordance with the provisions of this Act. If two or more ballots shall be found in a ballot box, so folded together as to present the appearance of a single ballot, they shall not be counted if the whole number of ballots in such ballot box exceeds the whole number of ballots shown by the poll list to

have been deposited therein. No ballot that has not the official endorsement shall be counted, except such as are voted in accordance with the provisions of this act relative to official ballots. All such uncounted ballots shall be endorsed and deposited in the ballot box when it is finally sealed up in accordance with the provisions of this act.

If on any ballot, the voter has not made the voting mark, as required, or if he has not made the voting mark opposite the answer to any question submitted, or has made such mark opposite both the negative and affirmative answers to such questions, or for any reason it is impossible to determine the choice of any voter for any office or his vote upon any question, his vote for such office or upon such questions shall be counted as a blank.

Spoiled ballot.

Any Commissioner may declare his belief that any particular ballot has been marked for identification and may object to any decision to count or not to count any vote. When a Commissioner shall, during the canvass of the votes or immediately after the completion thereof, declare his belief that any particular ballot has been written upon or marked in any way for the purpose of identification, the Commissioner shall write on the back of each ballot the word objected to because marked for identification, and sign their names thereto. Each such ballot shall be counted by them the same as if not so objected to. All such ballots shall be placed forthwith in a separate pile and all such piles shall be enclosed in a securely sealed package, which shall be endorsed "ballots objected to because marked for identification," and with the signatures of the Commissioners, and such package shall be attached to their written statement of the result of the canvass. Every ballot which a voter has defaced or torn or which he has marked in any manner save as provided in this Act, shall likewise be endorsed "objected to because marked for identification," and shall likewise be enclosed in the package so marked.

Objections may be made to count of marked ballots.

When any Commissioner shall object to any decision of the Commissioners to count any vote, the Commissioners shall immediately fold the ballot and write in ink upon the back thereof a number to identify the ballot, and the words "objected to by." They shall then endorse below such words a concise statement of the precise decision objected to. The Commissioners concurring in the decision shall thereupon sign their names to such statement, and the Commissioner objecting to the decision shall sign his name and address after the words "objected to by." All such ballots shall be placed forthwith in a separate pile, and shall be enclosed in a securely sealed package which shall be endorsed "ballots objected to as incorrectly canvassed,"

Statement of commissioners to be written on marked ballots.

and with the signatures of the Commissioners and each such packages shall be attached to their written statements of the results of the canvass.

Provisions of primary law to govern where laws conflict.

Section 80. Be it further enacted, etc., That should there be any conflict between any of the provisions of this act and any of the provisions of the Primary Election Law, passed at this session of the General Assembly, the provisions of the Primary Election Law shall govern, the repealing clause of this law to the contrary notwithstanding.

REPEALING CLAUSE.

Repealing clause.

Section 81. Be it further enacted, etc., That all laws or parts of laws contrary to or in conflict with the provisions of this act are hereby repealed.

FERNAND MOUTON,
Lieutenant Governor and President of the Senate.

HEWITT BOUANCHAUD,
Speaker of the House of Representatives.

Approved: July 5, 1916.

R. G. PLEASANT,
Governor of the State of Louisiana.

A true copy: .

JAMES J. BAILEY,
Secretary of State.





ACT No. 97.

House Bill No. 220.

By Mr. Barron.

AN ACT

To provide for calling, holding, conducting and regulating primary elections by political parties and to define the term political party; to provide for defraying expense of said primary elections; and to prescribe what violation of the provisions of this act shall be offenses and to provide penalties for same; and to repeal all laws or parts of laws in conflict herewith.

Section 1. Be it enacted by the Legislature of Louisiana, that all political parties shall make all nominations for candidates for the United States Senate, Members of the House of Representatives in the Congress of the United States, all State, district, parochial and ward officers, Members of the Senate and House of Representatives of the State of Louisiana, and all city and ward officers in all cities containing more than five thousand population, by direct primary elections.

That any nomination, of any person for any of the aforesaid mentioned offices by any other method shall be illegal, and the Secretary of State is prohibited from placing on the official ballot the name of any person as a candidate for any political party not nominated in accordance with the provisions of this Act.

Section 2. That the term "Political Party" as used in this act is defined to be a political party that shall have cast at the least five per centum (5%) of the entire vote cast in the State at the last preceding gubernatorial election, or five per centum (5%) of the entire vote cast for the Presidential Electors at the last preceding presidential election.

Section 3. That the State Central Committee of the political parties coming within the provisions of this act shall, on the first Tuesday in October next preceding the date of the general State election held in the State for Governor and all other State officials, meet and issue a call for a primary election to nominate candidates for said political parties for Governor or other State officers; they shall select as the date for the holding of said primary the third Tuesday of January following the date of the meeting of said State Central Committee.

That in any year in which a United States Senator is to be elected, at the same time that the members of the House of Representatives in the Congress of the United States are to be elected, as provided by the laws of this State, the State Central Committees of the parties, coming within the provisions of this act, shall meet on the first Tuesday of July preceding the congressional election and issue a call for a primary election to nominate a candidate for the United States Senate.

They shall select as the date for the holding of said primary the second Tuesday of September following the date of said meeting of the said State Central Committee.

Section 4. That within twenty days after the issuance of said call by the State Central Committee for said primary election to nominate candidates for State officers, as hereinbefore provided, the respective district and parochial committees shall meet and order that all nominations for district, parochial and ward officers, and members of the General Assembly of the State of Louisiana, that are required by law to be voted for at the general State election, shall be made by direct primary on the same date and at the same places at which candidates for State officers are voted for.

Section 5. That the congressional district executive committees of the political parties coming within the provisions of this act, shall, on the first Tuesday of July preceding the congressional elections, meet and issue a call for a primary election to nominate candidates for said political parties for members of the House of Representatives of the Congress of the United States. That they shall select as the date for the holding of said primary election the second Tuesday of September following the date of the said meeting of the said committees.

Section 6. That whenever any Justice of the Supreme Court, Judge of the Court of Appeal, Railroad commissioner or member of the State Board of Equalization, or any other State Board or Commission or any officer of State character whose election may be provided by law, is to be elected at the same time that the Governor and other State officers are to be elected, it shall be the duty of the State Central Committee of each political party coming under the provisions of this act, to order primary elections to be held on the date fixed for the gubernatorial primary in the respective districts in which these officers are to be voted for, to nominate candidates for such offices; and whenever any one or more of the above named officers are to be elected at a congressional election, it shall be the duty of the Executive Committee of the respective districts to meet on the first Tuesday in July of the year in which the congressional election is to be held and order a primary to be held on the second Tuesday in September next following said meeting for the purpose of nominating candidates for such office or offices.

That whenever any State, district, judicial, parochial or municipal officers are to be elected at the same time and on the same date on which Congressmen are to be elected, the respective executive committees of the political parties, having authority for calling elections to make such nominations, shall, within ten (10) days after the ordering of the primary election to nominate for Congress, meet and issue a call, ordering and directing that a

g. call

primary be held to make nominations for such State, district, judicial, parochial or municipal officers at the same time and at the same places at which the congressional primary is held.

Section 7. The members of the State Central Committee, from the parishes or wards which comprise a Supreme Court District, a Court of Appeal District, a Railroad Commission District, or a Congressional District, shall constitute the Executive Committee of the political party of which they are members for such several districts. And the chairman of the State Central Committee shall designate one member of such committee as chairman of said committee and one member as secretary of said committee, which chairman and secretary shall exercise all powers necessary for the convoking of said committee and all other powers given to the chairman and secretary until such committee shall, under the rules of the State Central Committee, select its own chairman and secretary.

Section 8. That the respective committees of the various political parties, having authority to order nominations for municipal or ward officers in any municipality coming under the provisions of this Act where election of such officers does not fall on the same date at which a general State election for State officers is held, or on the same date at which Congressmen are elected, shall meet ninety-one days prior to the date of holding said elections and shall order a primary election held to nominate candidates for said municipal and ward officers, not less than sixty and not more than seventy days prior to the date at which said officers are to be elected.

Section 9. That whenever a special election is held to fill a vacancy for an unexpired term, caused by death, resignation or otherwise of any officer, the respective committees having authority to call primary elections to nominate candidates for said office, shall have full authority to fix the date at which a primary election shall be held to nominate candidates in said special election, which date shall not be less than ten days after the special election shall have been ordered.

Section 10. That the qualifications of voters and candidates in primary elections, held under this act, shall be the same as now required by the Constitution and election laws of this State for voters at general elections and the further qualifications prescribed by the State Central Committee of the respective political parties coming under the provisions of this act.

Section 11. That any member of any committee calling a primary election, or any person who has filed his application to become a candidate, may file in writing an objection to any other person who has filed his application to become a candidate with the committee calling the primary; that said objection shall contain in detail the reasons why such other candidate is not a duly qualified candidate under the qualifications prescribed

by the party calling the primary; provided, however, that any such objection shall be made within five days after the last day upon which persons may file notification to become candidates. Wherever such objection shall have been filed the committee calling the primary shall convene 48 hours after the objection shall have been placed in the hands of the chairman of the committee and served upon the person interested, and determine within 24 hours after the objection and answer to same, if one be filed, shall have been heard, whether or not the person applying to be a candidate is qualified, and in event that the committee shall determine that such person is so qualified, the decision shall be final; in event the committee shall determine that such person is not so qualified, such person shall have the right to appeal from the decision of the committee to any court of competent jurisdiction, and that the jurisdiction of the court, time of filing petition and answer procedure and appeal shall in all things and as far as applicable be as provided for contested election cases under Section 27 of this Act, except that the Executive Committee whose ruling is complained of shall be made party defendant and a certified copy of the petition served on the chairman, and the petition so presented and served shall set forth the error, whether of fact or law, complained of.

Section 12. That any person applying to be registered who does not desire to state his party affiliation shall not be required to do so, nor shall his failure to do so act as a bar to his registration for the purpose of voting in any election held under the provisions of the General Election Law.

None but those who have so declared their political affiliation shall be permitted to become candidates or to vote in any primary election of any political party, as defined in this act. Any person attempting to vote, or voting or taking part in any primary election, or aiding or assisting in the nomination or election of a candidate of a political party different from that with which he has declared himself to be affiliated, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined and punished as provided for in Section 33 of this act.

Section 13. That any person desiring to become a candidate in any primary election held under the provisions of this act shall, within twenty days for State and District officers, and within ten days for Parochial, Municipal and Ward officers, etc., from and after the issuance of the call of the said committee for the said primary election, file with the respective officers herein-after designated, his written notification of his intention to become a candidate at such primary, accompanied by a declaration that he is a duly qualified elector under the Constitution and laws of this State, and that he is a member of the party calling said primary election, and that he possesses such qualifications as are required by the State Central Committee of such party.

Section 14. That all candidates for nomination for United States Senator, Congressman, Governor, Railroad Commissioner, Judge of the Supreme Court, Judge of the Court of Appeal and other State officers voted for throughout the entire State or Congressional District or Railroad Commissioner District, or Supreme Court District, or Court of Appeal District, or any other State Board or Commission, or any officer of State character, whose election may be provided by law, shall file written notification and declaration as provided for in Section 13 of this act with the chairman of the committee calling the primary, and all such candidates shall, at the time of filing said notice, be required to deposit with the chairman of the committee calling the primary, the sum of One Hundred Dollars (\$100.00); all deposits shall go to the General Fund in the State Treasury. The chairman of the committee calling the said primary shall forward to the Secretary of State, after the five days in which objections may be raised have passed, and in event no such objections have been raised, the applications and deposits shall be filed with him. Wherever no opposition has been raised, or whenever opposition has been raised and in the event the same is sustained, the chairman shall return to the person making application his deposit; in event the opposition is not sustained the application and deposit shall, immediately after the decision of the committee, or after the decision in court having jurisdiction, be forwarded to the Secretary of State. All candidates for all other offices to be voted for in any primary election held under this act shall file their written notification and declaration with the chairman of the committee which has issued the call for said primary, and if the office be a district or parish office he shall deposit the sum of five dollars (\$5.00), and if a ward office, the sum of one dollar (\$1.00) for the purpose of defraying the cost of printing the election tickets, tally sheets, election supplies, etc., which amount is to be collected by the chairman of the respective committees calling said primary election and by him forwarded to the Secretary of State at the same time he certifies the list of candidates, which money shall in turn be deposited by the Secretary of State to the credit of the General Fund in the State Treasury; provided that nothing herein shall prohibit the political party authorities levying and collecting an additional fee from candidates for incidental and other election expenses; and provided further that such political party authorities, other than of the Parish of Orleans, shall not levy and collect any greater additional fee from candidates than that collected by the State.

Section 15. That the expense of primary elections held under this act shall be apportioned and defrayed as follows:

- a. The expense of printing ballots and the furnishing of the necessary stationery and other election supplies

for all primary elections held under the provisions of this act, except as hereinafter otherwise provided, and also all expenses necessary to the transmission and promulgation of the returns, shall be paid by the State of Louisiana, in the same manner as for general elections.

b. That the necessary expenses incidental to the holding and conducting of the said primary elections, such as payment of commissioners and clerks of election, rent of polling places, expense of delivery of the ballot boxes and supplies to and from the polling places, and the printing of tickets and supplies, for a municipal election, shall be borne by the respective parishes, cities and towns and the respective police juries or municipal authorities shall provide, by ordinance, for their payment.

c. That any other actual expenses necessary and incidental to the calling and holding of the said primary election shall be borne by the candidates participating therein.

d. That the respective committees authorized under the act to call the primary elections, shall by resolution adopted at the same meeting at which they call said primary, fix the sums assessed against each candidate for the purpose of defraying the actual expenses to be borne by him as hereinabove provided for, and the amount so fixed and assessed shall be paid by the candidate at the time of filing his written notification of candidacy. Failure to make payment as herein provided will debar any such candidate from having his name placed on the official ballot for such primary election; provided, that such amount as shall remain unexpended in said primary election shall be returned to the various candidates in proportion to the amounts contributed by them.

Section 16. That the primary election ballots used in all primary elections for United States Senators, Congressmen, Governor and other officers voted for throughout the entire State, or voted for in any district, parish or ward in this State, held under the provisions of this act, shall be furnished by Secretary of State, at the expense of the State, and the primary election ballot used in all primary elections for any municipal officer to be voted on in any municipality in this State, held under the provisions of this act, shall be furnished by the municipality in which the election is held. All said ballots shall be printed upon white paper, of uniform quality, texture and size, and printed in black ink, and each ballot at the bottom and after the pledge shall contain a perforated slip with its number displayed in large numerals, which said slips shall be numbered from one to one thousand, as may be required. At the top of

said ballot, printed in large capital letters, shall be the party designation, then shall follow the number of the primary district and location of polling place. Then shall follow the name of each office, and below the name of each office, in smaller capital letters shall follow the names of all candidates (alphabetically arranged, according to surname) for the nomination of said office, in the order in which said list of offices shall be arranged by the respective party committees. The names of all candidates shall be printed in type of uniform size and style and in vertical column. Immediately following and opposite the name of each candidate, on the same line, shall be printed a square space, and all such square spaces shall be of uniform size. Spaces between the names of candidates for each office shall be uniform, and sufficient space shall separate the names of candidates for one office from the names of candidates for another office to avoid confusion.

At the bottom of the ballot and after the name of the last candidate shall be printed the following, viz.: "By casting this ballot I do pledge myself to abide by the result of this primary election and to aid and support all the nominees thereof in the ensuing general election."

Should any voter scratch out, deface or in any way mutilate or change the pledge printed on the ballot, he shall not be considered or held to have repudiated or to have refused to take the pledge, but shall, conclusively, be presumed and held to have scratched out, defaced or mutilated or changed same for the sole purpose of identifying his ballot; and accordingly such ballot shall be marked "Spoiled Ballot" and shall not be counted.

The ballot with a slip numbered, as hereinbefore provided, shall be handed to the voter by the commissioners of election for the voter to take with him to the polling booth, who, after marking his ballot, shall before casting his ballot in the box, allow the commissioner of election to detach or remove the slip without defacing or tearing the ballot and without in any way exposing to view the face of the ballot. As soon as the detached slip is removed, the voter then shall cast his ballot into the ballot box, the commissioner throwing the perforated or detached slip in a waste basket or other receptacle to be destroyed after the closing of the polls. The voter shall always have the right to retain possession of his ballot while the commissioners of election are removing the perforated number slip until he deposits the ballot in the ballot box.

The ballot as above set forth to be furnished by the Secretary of State, shall be prepared by the Secretary of State, who shall certify to it as the official ballot on the back of the ballot over his stamped signature, and who shall furnish the ballot pressed and folded in uniform fold, and creased so as to display on the

reverse or back of the ballot when folded the printed or script certificate of the Secretary of State.

The ballot as above set forth to be furnished by the municipality shall be prepared by the municipality and shall be certified to by the Mayor of the municipality, as the official ballot, on the back of the ballot over his stamped signature, and the ballot shall be furnished stamped and folded in uniform folds and creased so as to display on the reverse or back of the ballot when folded the printed or script certificate of the Mayor of the municipality.

That in the Parish of Orleans, if the primary election for parochial offices is held at the same time as the election for municipal offices, the names of the candidates for the municipal and parochial offices shall be printed on one ballot, which said ballot and all election supplies shall be furnished by the municipality and printed as herein provided.

The primary election ballot shall also contain the names of candidates for membership of the State Central Committee and all other committees required to be elected at the same primary election. No primary election ballot shall be used unless the same shall substantially comply with the requirements of this act, and any ballots not in accordance herewith shall be void for all purposes and shall not be received, deposited or counted by any commissioner or commissioners of such primary election. No persons shall be a candidate for membership on the State Central Committee or any other committee, who is not a duly qualified voter of the district from which he is a candidate and registered as affiliated with the party holding the primary.

The Secretary of State or the municipality, as the case may be, shall furnish for each precinct as many sample ballots as there are furnished official ballots. Such sample ballots shall be exact duplicates of the official ballots, except that they shall not bear the endorsement of the Secretary of State or of the Mayor or the detachable slip provided herein, and they shall be printed on green paper and there shall be printed across the face of said ballots, in large type and in red ink, the words "SAMPLE BALLOT". The said ballots shall also be sent to the commissioners of election in separate packages from the official ballots.

On the day of election the sample ballots shall be conspicuously arranged on a table near the poll, and every voter shall be entitled to not more than two of said sample ballots. After receiving said sample ballot or ballots, the voter may make such use of it as he chooses and may mark or cause to be marked outside of the polling place and may take it with him into the voting booth, but no sample ballot shall be voted or counted.

That in the distribution by the Secretary of State or by any other authority of the official ballots provided for in this act,

the same shall be prepared in packages so that the numbered slips shall be placed in said packages indiscriminately and without regard to numerical order, and it is hereby made the duty of the commissioners in delivering the ballots, with the detachable slips, to voters, to select the ballots from the package indiscriminately, without regard to number, and the right is given to any commissioner to have the ballot so selected without regard to its numerical order, and to have this provision of the law enforced.

Section 17. That the Secretary of State or the Municipality, as the case may be, shall send a sufficient number of ballots, together with a sufficient number of tally sheets and "Cards of Instruction for the Guidance of voters", to the respective chairmen of the respective committees in each of the several parishes, so as to be received by them at least three days previous to the day of election. The same shall be sent in sealed packages, with marks on the outside clearly designating the polling places for which they are intended and the number of ballots inclosed. The respective chairmen shall, on delivery to them of such packages, return receipt therefor to the Secretary of State. The Secretary of State shall keep a record of the time when, and the manner in which, the several packages are sent and the number of ballots in each package, and shall preserve same for the period of six months, together with the receipt of the said chairman.

Section 18. That the respective committees shall send to the commissioners of each voting place before the opening of the polls on the day of election, cards of instruction, tally sheets, blank forms and the set of ballots, as sealed and marked by the Secretary of State, for each voting place, and a receipt of such delivery shall be returned to them from the commissioners present, which receipt shall be kept for a period of six months. At the opening of the polls in each polling place the seal of the package shall be publicly broken and the package shall be opened by the commissioners, and the ballots shall be delivered to the commissioners of election hereinafter provided for. The cards of instruction shall be immediately posted at or in each voting shelf or compartment, provided in accordance with this act, and not less than three such cards shall be immediately posted in or about the polling room.

Section 19. That in case the ballots to be furnished to any voting place in accordance with the provisions of this act, shall fail, for any reason, to be delivered, or in any case after delivery they shall be destroyed or stolen, or should errors or omissions occur in them, it shall be the duty of the chairman to cause other ballots and cards of instruction to be prepared substantially in the form and to the number of the ballots wanting and to be furnished, and upon receipt of such other ballots from him, accompanied by a statement under oath, that the same have been so prepared and furnished by him, and that the original ballots

have failed to be received or have been destroyed or stolen, or that they contain errors or omissions, the commissioners shall cause the ballots so substituted to be used in lieu of the ballots wanting, as above.

Section 20. That the officers whose duty it is to designate and appoint polling places throughout the State, shall cause same to be provided with voting shelves and compartments, known as polling booths, in which voters may conveniently and with absolute secrecy mark their ballots; said booths to be similar in character to those used, as provided by law, in general elections.

Throughout the State a guard rail shall be placed at each polling place, at least fifty feet on either side of the ballot boxes and booths, and each guard rail shall be provided with separate entrances and separate exits, and the said guard rails shall be connected by a railing (in cities of more than 100,000 inhabitants, running alongside the gutter curb), thus forming a space enclosed with barriers, and no more electors shall be admitted at any one time within said barrier than there are polling booths within said barrier; provided, that during the time the poll is open no one shall be permitted within the barrier except the commissioners, commissioned watchers and voters actually engaged in voting. Any person violating the provisions of this Section shall be punished as provided in Section 33 of this act.

That the officers whose duty it is to designate and appoint polling places in cities of more than 50,000 inhabitants, shall cause the same to be provided with voting shelves and compartments, known as polling booths, in which voters may conveniently and with absolute secrecy mark their ballots. There shall be in each polling place, during each election, a sufficient number of voting booths, and not less than one for every hundred voters in the precinct. Each such booth shall be at least three feet square, shall have four sides enclosed, each at least six feet high, the one in front shall open and shut as a door swings outward, and shall extend within two feet of the floor. Each such booth shall contain a shelf, which shall be at least one foot wide, extending across the side of the booth, at a convenient height for writing, and shall be furnished with supplies and conveniences, including pencils having black lead only, as will enable the voters to conveniently prepare their ballots for voting. Each booth shall be kept clearly lighted while the polls are open, by artificial light if necessary; and in no case shall the polling places of two precincts be located within closer proximity to each other than a distance of three city blocks.

In every polling place in the State the arrangements of the polling place shall be such that the booths can only be reached by passing within the guard rail, and the booths, ballot boxes, commissioners, and every part of the polling places except in the interior of the booths, shall be in plain view of the commissioners

and watchers appointed for the purpose of watching the voter as he appears to cast his vote. The booths shall be placed on the outer edge of the sidewalk, within the guard rails, and no voter shall be permitted to prepare his ballot when the door of the booth is not closed so as to obscure him from the view of all persons, and it is made the duty of the commissioners and watchers, or any of them, in case the voter neglects to close the door of the booth, to see that the booth door is closed.

Any ballot prepared in violation of this provision and any ballot wilfully exhibited will not be received by the commissioners, and if received notwithstanding this prohibition, it shall not be counted. Any ballot which is protested for any reason, shall have attached to it by the commissioners a memorandum setting forth the ground of protest, and the name of the voter and the name of the challenger, and the challenged voter shall be required to sign the poll list.

Section 21. That the primary election ballots used in all primaries other than those provided for in Sections 16, 17, 18 and 19, shall be furnished by the respective committees and shall be printed in the manner and form as ballots for United States Senators, Congressmen and State officers, and shall be delivered to the commissioners of election by the chairmen of the respective watchers shall be admitted within the barriers during the polling committees, whose duties in this respect shall be similar to those provided herein for the Secretary of State.

Section 22. That the delivery of the primary ballots, stationery, ballot boxes and other necessary election supplies hereinbefore required to be made by the respective committees throughout the State, shall be made by special deputies selected by said committees, whose duty it shall be to deliver the said primary ballots, etc., to the commissioners at the respective voting places as herein provided for in Section 18. That the duty of said special deputies shall be the same as those of the special deputies and sheriffs appointed under the general election laws of this State, and they shall take an oath honestly and faithfully to perform their duties and safely deliver said boxes, tickets and election supplies to the respective commissioners. The chairman and Vice-chairman of all committees are authorized to administer oaths.

Section 23. That a poll shall be established in every voting precinct of the State, as now or may hereafter be fixed and established by law, at which said election shall be held, and the polls shall be opened at 6 a. m. and shall be closed at 7 p. m.

The location of said polling booths, when not fixed by law, shall be selected by the various parish committees throughout the State.

The respective committees in the several parishes throughout the State shall cause to be published the location of said polling

booths in the official journal of the parish, at least three times for three weeks preceding the day of the election, and in the City of New Orleans in any of the daily papers.

Section 24. That no voter shall be allowed to take part in any primary who shall not have registered at least thirty days prior to the date of the primary election held under this act. That seven days prior to every primary election, the Registrars of Voters throughout the entire State shall make a complete list of all registered voters in every voting precinct in the parish, registered as affiliated with the party holding the primary, certify to same, and within three days before the primary election deliver the same to the respective parish committees of the party or parties holding the said primary election, without any cost or charge whatsoever. The said list shall not contain the name of any elector not affiliated with the party holding the said primary election.

That the sheriffs of the several parishes throughout the State, and the City Treasurer of the City of New Orleans, shall, three days before the date of any primary election held under this act, deliver to the several parish committees throughout the State, lists of persons who have paid their poll taxes for the two years preceding the year in which the primary is held. That the number of lists of poll taxes so to be delivered shall be one for each voting precinct as fixed by law in said parish. That these lists shall be delivered and furnished free of all charges and expenses.

That the said respective parish committees shall transmit by the special deputy selected by them to deliver ballot boxes, etc., to each polling precinct, the list of the registered voters for said precinct so furnished him by the Registrar of Voters for his parish, as hereinbefore provided for, and also the list of all persons who have paid their poll taxes so furnished to them by the sheriff or City Treasurer, as the case may be.

The police juries throughout the State, and the Commission Council in the City of New Orleans, shall deliver to the respective parish committees, of parties holding primaries under this act, a sufficient number of ballot boxes for each and every polling precinct.

Section 25. That primary elections shall be conducted by at least five commissioners of election at each polling precinct.

The said commissioners shall be selected as hereinafter provided, and shall be commissioned in each parish by the chairman of the respective Parish Committees for such parish. In cases of the absence, inability or refusal of such chairman to act, they shall be commissioned by the vice-chairman. The commissioners and watchers selected under this act shall possess the same qualifications as are required of voters in the Ward in which they shall reside, and may be selected to serve as commissioners or watch-

ers in any precinct of the ward in which they vote. The said commissioners and special deputy sheriffs provided for in this act shall receive the same compensation as is paid for commissioners of elections at elections held under the general election laws of the State.

Commissioners of election shall be selected as follows, to-wit:

That in any election held under this act each local candidate in each parish in this State shall submit to the respective Parish Committee of said Parish on or before the twenty-fifth day prior to the date on which any primary election is to be held, under this act, the name of one duly qualified voter to act as commissioner of elections for each voting place in said parish, should there be five or more local candidates. Should there be three local candidates in any election held under this act, each local candidate in each parish in this State shall submit to the respective Parish Committee of said Parish, at the time specified above, the names of two duly qualified voters to act as commissioners of election for each voting place in each parish. The lists nominating commissioners of election herein provided to be sent by local candidates to the respective Parish or other committees shall be legibly written, dated and signed, or by preference typewritten, and shall give the postoffice address, with the street and street number in cities and towns, of each person on the said list, and shall indicate clearly the precinct or poll in the ward or parish in which he is nominated to serve. Should there be but two local candidates in any election held under this act each local candidate in each parish in this State shall submit to the respective Parish Committee of said Parish, at the time specified above, the names of three duly qualified voters to act as commissioners of election for each voting place in said parish. Should there be four local candidates in any election held under this act, each local candidate in each parish in this State shall submit to the respective Parish Committee of said Parish at the time specified above, the names of two duly qualified voters, to act as commissioners of election for each voting place in said parish.

The names so furnished by each local candidate shall be submitted for the drawing as hereinafter provided, and under said drawing five names shall be drawn, and these five act as the commissioners of elections. The remaining names drawn shall be commissioned as watchers.

That on the twentieth day prior to the date on which the primary election is to be held, at 12 o'clock noon, the respective Parish Committee of each Parish throughout the State shall be regularly convened, and they shall proceed to select, from the various names submitted to them by the candidates, as aforesaid, five commissioners of election to preside over the election at each voting place in the said Parish, in the following manner, to-wit:

The said Parish Committee shall, except as hereinbefore provided, take the names submitted to them from each particular precinct by the candidates aforesaid, write each name so submitted on a separate piece of white paper, of equal and uniform size and thickness, and place the various slips, so made up, in a hat, or other receptacle without folding them; the committee shall select some person to draw five of said slips, so placed in the hat or other receptacle, and the persons whose names are written on the first five slips so drawn shall be the commissioners of election to preside over the particular voting precinct, and the others remaining undrawn shall be commissioned as watchers. The watchers shall be commissioned in the same manner and have the same qualifications as commissioners of election and be subject to the same penalties and punishments provided in this act in case of failure to perform their duties. These of the vote, but shall not be permitted to electioneer, engage in political or other discussions, or in any manner interfere with or detain or obstruct any voter. Said watchers shall be allowed to enter the polls only after the closing of the polls, and there remain during the canvass and count of the vote, but they shall take no part in such canvass and count nor have any voice in the conduct thereof. They shall have the right to challenge any voter for cause and shall call the attention of commissioners to any infraction of the law and to keep notes of the conduct of the election, and the commissioners shall protect them in the discharge of their duties. Any person who violates any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as is provided in Section 33 of this act. The person selected to draw the said five slips from the hat or other receptacle shall be blindfolded at the time and during the drawing; that the drawing shall be public and in the presence of the committee and such spectators as may desire to be present, and said drawing must be done at the Court House in each parish in the State, and in the City of New Orleans at the Civil District Court.

That the commissioners of election for such precinct shall be drawn separately, that is, one precinct at a time, until the commissioners of election for each precinct in the parish shall have been thus selected. The commissioners of election and watchers shall forthwith be commissioned by the chairman of the Parish Committee, or, in case of his failure or inability to act, by the vice-chairman.

In the event that at any primary election held to nominate candidates for State offices, district offices and members of Congress there should be no local officers to be nominated at the same time, the respective candidates for the State offices, district offices of Congress shall send in to the various Parish Committees the name of one or more duly qualified voters under this

Act for each precinct in this parish, as hereinbefore provided for local candidates to do, and the commissioners of election shall be drawn in the same manner from these names, as hereinbefore provided in this Section.

That the term "local candidate" used herein, in this section is defined to be any candidate for either house of the Legislature or for any parish or municipal office, except those of Justice of the Peace or Constable.

In case no commissioners of election shall have been selected, or if none of those who have been selected be present within one hour after the time fixed for the opening of the poll, voters of the party holding the primary, present at such precinct, shall hold a meeting and elect the commissioners to preside at the election, who shall perform all duties of the regularly selected commissioners.

Should any one of the commissioners be present, he shall select another, and both together shall elect a third, these three a fourth, and these four the fifth commissioner, as above provided; the commissioners so selected shall take the oath and perform all the duties of commissioners of election in the same manner as if they had been selected as hereinbefore provided.

Before entering upon the discharge of their duties, the commissioners of election shall swear each other to faithfully, honestly and impartially conduct the election.

The same power and authority vested in every commissioner by the general election laws of the State is hereby conferred upon the commissioners conducting any primary election under this act. It shall be the duty of the commissioners at each polling place to keep triplicate lists containing the names and ballot numbers of the persons voting at such voting place, which lists shall be numbered consecutively from one to the end, and in parishes containing a city of over 100,000 inhabitants, shall contain the name of the voter, ballot number, serial numbers of the required registration certificate, poll tax receipt, and space for remarks, and said poll list shall be prepared and furnished by the Secretary of State, and such lists so kept and numbered shall be signed and sworn to as correct by them immediately upon closing of the polls and before opening the ballot boxes. One of the lists shall be deposited in the ballot box with the ballots after the count has been made, one shall be transmitted with the returns to the Secretary of State in primary elections held for United States Senators, Congressmen and State officers who are voted for throughout the State, and one to the respective chairman of the various parish committees, in cases where parochial offices are being voted for; and in all other primary elections the respective chairmen of the committees ordering the primary election.

Immediately after the closing of the polls and the signing and the swearing to the poll lists, the commissioners shall proceed to publicly canvass the votes; they shall make a tally sheet in quadruplicate and shall tabulate the votes, and sign the same and swear to their correctness, and publicly announce the result to the bystanders.

The returns in all primary elections shall be made as follows:

In primary elections for United States Senators, Congressmen and State officers voted for throughout the entire State and respective Congressional Districts, Supreme Court districts or any other State Board or Commission, or any officer of State character whose election may be provided by law, commissioners of election shall deposit one of the tally sheets and one of the poll lists, signed and sworn to as hereinbefore provided, in the ballot box, and one of the poll lists and tally sheets, signed and sworn to as hereinbefore provided, shall be placed in a sealed envelope directed to the Secretary of State, at Baton Rouge, Louisiana, and the other poll list and one tally sheet, similarly signed and sworn to, shall be placed in a sealed envelope and directed to the respective chairman of the various Parish Committees, to be kept by him for six months, and shall be a public document and as such subject to public inspection, in cases where parochial office are being voted for and, in all other cases, to the chairman of the State Central Committee of the party holding the primary election, who shall deliver same to the State Central Committee for its inspection, if necessary, when it meets to declare the result of the election, are hereinafter provided, and the package addressed to the Secretary of State and the Chairman of the State Central Committee shall be forwarded to them immediately through the United States mail.

In all other elections held under this act the returns shall be made as hereinbefore provided, except that the tally sheets and poll list hereinbefore required to be forwarded to the Secretary of State and the chairman of the State Central Committee shall be placed in sealed packages addressed to the chairman of the respective committees ordering the said primary and the clerk of court of the parish in which said election is held, and in the Parish of Orleans to the clerk of the Criminal District Court and be delivered to them, or their accredited representatives in person by the commissioners of election.

In any year when other officers, District, Parochial, Ward or Municipal, are to be nominated at the same time and at the same polling places as United States Senators, Congressmen, Governor and other State officers who are to be voted for throughout the entire State or Congressional District, the triplicate poll lists and the tally sheets herein provided to be made, for such District, Ward, Parochial or Municipal officers, shall

be separate from those for United States Senator, Congressman, Governor, and other State officers, and same shall be delivered, respectively, one in ballot box, one to the Secretary of State and one to the chairman of the respective committees ordering the District, Parochial, Ward, or Municipal election, as aforesaid, and when District, Ward, Parochial or Municipal officers are to be nominated as aforesaid, at the same time as United States Senators, Congressmen, Governor, Justices of the Supreme Court, Railroad Commissioners, Judges of the Court of Appeal, and other State officers or State Board or Commissioners that may be provided by law, there shall be separate ballot boxes, one for the purpose of depositing the ballots cast for said United States Senators, Congressmen, Governor and other State officers, etc., and one for depositing said District, Parochial, Ward and Municipal ballots.

The ballot boxes containing the ballots, poll list and tally sheet shall be carefully sealed after the count shall have been completed and the returns signed and sworn to, shall be deposited with the respective clerks of the District Courts throughout the State and in the Parish of Orleans with the Clerk of the Criminal District Court, by the commissioners of election.

Section 26. That any person desiring to vote shall give his name and registration papers (if such be required) to any one of the commissioners, who shall thereupon announce the name in a loud and distinct tone of voice, the same to be revealed on the outside by a watcher designated by the commissioners, and if such name is found on the registration list by the commissioner having charge thereof the commissioner shall give the applicant one, and only one, ballot, and his name shall be immediately checked on said registration list, and his name and ballot number shall also be entered on the poll list, and in Parishes containing a city of over 100,000 inhabitants the poll list shall contain the name of the voter, his ballot number, and the serial number of the required registration and poll tax receipts and space for remarks. On receiving his ballot, the voter shall forthwith, and without leaving the enclosed space, retire to the place provided for the preparation of his ballot, and designate his choice by making a cross, with a lead pencil, in the voting space to the right of and opposite the name of the candidates he desires to support for the particular office for which they have offered. Immediately after the voter shall have deposited his ballot, he shall retire from within the barrier, and shall not be allowed thereafter to return within said barrier.

Whenever, in any political district or political sub-division, there are two or more officers of the same kind or character to be elected, such as two or more Senators to be elected from the same Senatorial District, or two or more Representatives to the House of Representatives to be elected from the same Repre-

representative District, or two or more District Judges from the same Judicial District, or two or more members of the School Board or two or more Justices of the Peace, or two or more Police Jurors from the same Ward, or two or more members of a party committee, etc., it shall be the duty of each elector to vote for as many candidates as there are places to be filled, and whenever an elector shall vote for a lesser number of candidates than there are places to be filled, such ballot shall not be counted for any one of the plural candidates voted for thereon, but shall be considered and counted as if no one of the said plural candidates had been voted for. In other respects and for other offices the ballot shall be considered good, and shall be counted.

Any voter who declares to any commissioner that, by reason of blindness, or by reason of any other physical disability, he is unable to mark his ballot, or any elector registered under any qualification prescribed by the Constitution, other than the educational qualifications, who so declares that he is unable to read and write, shall receive the assistance of a commissioner of his own selection in the marking thereof and such person shall ascertain his wishes and mark his ballot in accordance therewith and such person shall thereafter give no information regarding same. Any commissioner of election shall require such declaration of inability to read and write to be made by the elector under oath. Whenever any elector receives assistance in this manner the commissioners in charge of the poll lists shall write the voter's name in the list, and shall write in the column of remarks on the poll list opposite the name of the elector the words "assisted and sworn". No person shall volunteer to assist any elector in marking his ballot, nor shall any elector receive any assistance except as provided for in this Section and by a commissioner of his choice. When an elector call a commissioner to assist in marking his ballot under the provisions of this Section, one other commissioner, supporting candidates opposing the candidate, if any, supported by the commissioner called, shall enter the booth and view the marking of the ballot, but no other person except commissioners shall give assistance, nor shall any other person than a commissioner at any time enter a booth while another elector is therein. Any commissioner giving assistance or observing the same who makes known the way the voter receiving assistance marks his ballot, or any voter who shall ask for and receive assistance not authorized to do so by the provisions of this Section, any person who shall volunteer assistance to any voter, and any person who shall swear falsely in order to obtain assistance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 33 of this act.

Section 27. That in all elections where returns are by this act provided to be made to the Secretary of State, he shall immedi-

ately proceed to tabulate and compile the same, and shall within eight days after the date of said primary election promulgate same in the official journal of the State, and shall forward under a special stamp a certified copy thereof, under his signature and seal of office, to the chairman of the committee ordering the primary.

In all other elections, the returns shall be immediately tabulated and compiled by the respective committees ordering the primary election and the result thereof certified to the Secretary of State.

That in elections held under the provisions of this act all contests shall be made before the courts of the State, as herein prescribed, which are hereby fully vested with the necessary power, authority and jurisdiction to hear, try and determine the same. Any candidate for a nomination for any office who shall claim to have been nominated, and shall desire to contest the election, shall present a petition to the Judge of the District Court of the parish in which the capitol of the State is situated, if the office be that of Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, Auditor of Public Accounts, Superintendent of Public Education, or other State officer or United States Senator; or if it be a municipal, parochial or district office, then to the District Court of the parish in which the contestee resides, which petition shall set forth specifically and in detail the grounds on which the contest is based and the irregularities or frauds of which complaint is made; that thereupon the judge of said court or, in his absence, the clerk of said court, shall issue an order directing the contestee to answer the petition within five days after service upon him of certified copy of the petition and order; that the contestee shall be bound to answer not later than ten o'clock a. m. on the fifth day from and after said service, including Sunday and legal holidays; but if the fifth day shall be Sunday or other legal holiday, then on the next succeeding legal day, at which time, whether the contestee has answered or not, the court shall proceed without further delay and in a summary manner to try the issue presented; and the trial shall be in open court or in chambers and no jury shall be allowed. Either party shall have the right to proceed to take evidence relative to the facts specified, or to be specified in the petition at any time before the trial, on giving the other party two days notice of the time and place where the evidence is to be taken; provided that the evidence may be taken before any officer authorized to administer oaths, who shall have the power and authority to issue process to compel the attendance of witnesses and the production of documentary evidence of every kind whatsoever. The court of original jurisdiction shall render judgment within twenty-four hours after the case is submitted. The party cast shall have the right to appeal as in other cases, on giving bond for a sum

to be fixed by the court to cover cost of all courts, the emoluments of the offices involved for the full term being hereby made the test of the appellate jurisdiction; provided, said appeal shall be filed in the appellate court within not more than five days from the rendition of the judgment, and shall be tried on the original records and by preference over all other cases whatsoever, and to decide the same within twenty-four hours after submission. Upon the perfection of an appeal, the Clerks of Court shall immediately notify the Appellate Court in writing, which said Appellate Court shall immediately set the appeal down for hearing without waiting the actual lodgment of the appeal. It shall be the duty of the Appellate Court to hear and determine appeals at the earliest practicable moment, and, if the Supreme Court be in vacation, it shall be the duty of the Chief Justice to convene the court at once in special session. That if a trial of the cases appealed to the Court of Appeal be desired at a time when the said courts are in vacation, it shall be the duty of the judges composing such court, to meet in session without delay; that no application for rehearing shall be entertained, but the courts may correct manifest errors to which their attention may be called, upon their own motion. No contest shall be entertained unless brought within two days after the official promulgation of the result of the election. In case no candidates for the office of Governor should have received a majority of the votes cast for that office, then a second primary election shall be held for Governor and for all other State officers the candidates for which shall have failed to receive a majority of the votes cast for the office for which they were respectively candidates, and the second primary shall be held with the same election officers and at the same places as the first primary was held, five weeks from the date of the first primary; provided, that if this day should fall on Mardi Gras, then the second primary shall be held six weeks from the date of the first primary. The expenses of the second primary are to be borne in the same manner as those of the first hereinabove provided for. At the second primary no one can be a candidate except the two persons who have received the highest number of votes at the first primary election for the office for which they were candidates.

The return shall be made and the votes canvassed and compiled and the results declared as hereinafter provided for in the first primary election.

In case of failure to elect because no candidate received a majority of the votes cast for the office for which he is a candidate, should one of the two persons receiving the highest number of votes decline to continue his candidacy, the other candidate who shall have received the highest number of votes for the office for which he was a candidate shall be declared the nominee of the party.

• Any officer of election who has been appointed in the first primary and served as a commissioner, clerk or special deputy in the first primary and who fails to serve in the second primary in the same capacity, shall be guilty of a misdemeanor and shall be punished as provided for in Section 33 of this Act. In the event of the Governor being nominated in the first primary election, there shall be no second primary election for State officers who ran in the first primary, but the person receiving a plurality of the votes cast for the office for which he was a candidate shall be declared to be the nominee of the party holding said primary. That in all elections, where returns are, by this act, provided to be made to the respective committees ordering said primary, it shall be the duty of the said chairman, immediately upon receiving the said returns, to at once open the same and cause same to be tabulated and compiled, and at 12 o'clock noon on the fourth day after the primary, the said committee ordering same shall reconvene at the same place and the chairman thereof shall submit to it the tabulated statement showing the result of said primary together with the original returns received by him. That after the committee has met and proclaimed the results as hereinbefore provided, and it shall be found that any candidate failed to receive a majority of the votes cast for the office for which he was a candidate, a second primary shall be held with the same election officers at the same place as the first primary election was held and on the same date as the second primary for State officers and Congressmen; if there be no second primary for State officers or Congressmen or the first primary be held at a time when neither State officers or Congressmen shall be voted for, then the second primary shall be held five weeks from the date of first primary, provided that if this day should fall on Mardi Gras, then the said second primary shall be held six weeks from the date of the first primary.

The expenses of the second primary shall be apportioned and paid for in the same manner as those of the first primary hereinbefore provided for.

Provided further, that any unexpended balance after the first primary is held shall be used to defray the expenses of said second primary.

At the second primary election no one can be a candidate except the two persons who have received the highest number of votes for the office for which they were candidates. The return shall be made and the votes canvassed and compiled and the results declared and promulgated as hereinbefore provided for in the first primary.

The same provisions for withdrawal as applies to candidates in the primaries for State officers which are to be voted for shall govern in case any candidate at this primary desires to withdraw from the second primary, and the same provisions and penalties for the failure of officers of election who were

appointed and served in the first primary for State officers and who failed to serve in the second primary for State officers shall govern at this second primary.

Section 28. That the State Central Committee and all other subordinate or local committees of all the political parties coming within the provisions of this act, as now constituted are hereby recognized as the legal committees and the governing authorities of the said political parties.

That the members thereof shall hold their offices as members of the said committees for the term for which they have been already elected. That they are authorized to make any rules and regulations for their government not in conflict with any provisions of this act. That the State Central Committees of all political parties, as now constituted, shall direct and order the manner in which all subordinate or local committees shall be organized and constituted, fix their number, regulate their term of office, the time of their election, provided same shall not be for a longer term than four years; provided, however, that the members of all committees shall be elected in a direct primary except as is herein provided for the election of Committeemen at large, and, except where a vacancy occurs in the membership of any committee for any cause, in which event the committee on which the vacancy occurs shall have the authority to fill same, except the State Central Committeemen at large.

That the State Central Committee of all political parties in this State shall consist of one member from each parish and one member from each of the wards of the parish of Orleans, and twenty-four members at large, who shall be selected at the first meeting of the members elected from the parishes and wards aforesaid.

As follows: the members of the State Central Committee elected from the Parishes and wards of the Congressional Districts of the State shall by a majority vote of such members elect three committeemen at large from their respective districts, provided not more than one Committeeman shall be elected from any parish, or ward of the City of New Orleans and, provided, further that the said members at large shall be selected before the committee shall organize by the election of its chairman and other officers.

Members of the State Central Committee are authorized to act through proxies at any meeting. The said proxies to be appointed in such manner and from such class of persons as the State Central Committee may determine.

Section 29. That no one who participates in the primary election of any political party shall have the right to participate in any primary election of any other political party, with a view of nominating opposing candidates, nor shall he be permitted to sign any nomination papers for any opposing candidate or candidates; nor shall he be permitted to be himself a

candidate in opposition to any one nominated at or through a primary election in which he took part.

Section 30. That in the event that after the date has passed on which candidates are allowed to enter and file their notification in any primary under this act, it shall be found that there be but one candidate for any particular office for which the primary has been called, the respective committee ordering said primary shall then be immediately convened, and the person so entering and being thus unopposed shall be declared to be the nominee of the party that has ordered said primary for the particular office, for which he has offered, without the necessity of holding a primary election for said office.

In like manner, when a candidate for membership on a party committee, provided for in this act, shall be unopposed, he shall be declared elected without the necessity of having his name printed on the ballot and of being voted for.

That in the event that after the date has passed on which candidates are allowed to enter and file their notification in any primary, under this act, one or more of the rival candidates for any particular office shall die, new candidates for that office shall be permitted to enter and file their notification for a period of five days after such death; provided, that this provision shall not be effective when the death occurs within seven days of the day fixed for the primary election.

Section 31. That all vacancies caused by death or resignation or otherwise among the nominees selected by any political party, under the provisions of this act, shall be filled by the committee, which has jurisdiction over the calling and ordering of the said primary election, and in the event that no person shall have applied to become a candidate for a political office within the time fixed by law, or the call of the committee ordering the primary, or in any other event wherein the party shall have no nominee selected under the provisions of this act, the committee calling the primary shall select the nominee for any position named in the call of the committee and shall have full authority to certify said name as the nominee of the said party; provided, however, that wherever, for any reason, any contest filed in court shall not be finally decided in time to print the name of the nominee of the party upon the ticket at election, then the political party committee shall certify the name of the person who is the contestee in the suit filed, and the name of the said contestee shall be printed upon the ticket as the nominee of said political party, and no court shall have jurisdiction to enjoin such action.

Section 32. That it shall be the duty of the chief executive officers of the police force of each city to furnish to the Board of Supervisors of Elections of the Parish such number of police officers as said board of Supervisors of Elections may request for service at the polls on election day, said officers to be se-

lected by said Board from a complete list of the police force to be furnished by the executive officer of such police force not less than ten days of the date upon which such primary election shall be held, which said police officers shall be assigned by said Board to such polling places as shall be designated by said Board; that said police officers shall, at each polling place, preserve and protect each election officer from any interference with or obstruction in the performance of his duties, and to aid in enforcing the provisions of law relating to elections, and said police officers so detailed shall be subject to the orders of the commissioners of election only, and said police officers so detailed shall not, under any circumstances, interfere with the voters, or with the conduct of said election, or with the election officers, and shall be under the exclusive orders of the commissioners in charge of said polls from the time of the opening of the polls to the completion of the count, and said officers shall not permit any person other than commissioners, commissioned watchers and voters actually engaged in voting within the barriers.

Section 33. Any person refusing or neglecting to discharge any duty imposed upon him, by any provision of this act, and any person making any false answer under oath or otherwise, to any person who has authority to require an answer, and any person who shall vote more than once at any single primary election, or who knowingly folds together more than one ballot and deposits same in any ballot box, and any person who buys any vote, or intimidates any voter, or who forges or otherwise alters any returns of any primary election, or, who, being a commissioner or clerk at a primary election, shall knowingly permit fraudulent votes to be cast, or knowingly count votes not entitled to be cast, any person who has in his possession any official ballot in violation of any provision of this act, and any voter who aids or assists any person in the primary or any other party or organization opposed to a candidate nominated in the primary in which such voter takes part, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Fifty Dollars nor more than Five Hundred Dollars and imprisonment for not less than two months nor more than one year in the parish jail and shall further be ineligible for four years thereafter to hold any office of trust or profit in this State.

Section 34. That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

Approved by the Governor:

July 13, 1922, 12:25 p. m.

A true copy:

JAMES J. BAILEY,

Secretary of State.



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